

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

AEGEAN SEA CONTINENTAL SHELF CASE

(GREECE v. TURKEY)

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRE DU PLATEAU CONTINENTAL DE LA MER ÉGÉE

(GRÈCE c. TURQUIE)



The present volume contains the record filed in the *Aegean Sea Continental Shelf* case.

This case, entered on the Court's General List on 10 August 1976 under number 62, was the subject of an Order on Interim Measures of Protection (*Aegean Sea Continental Shelf, Interim Protection, Order of 11 September 1976, I.C.J. Reports 1976, p. 3*) and of a Judgment delivered on 19 December 1978 (*Aegean Sea Continental Shelf, Judgment, I.C.J. Reports 1978, p. 3*).

The Application, Request for Interim Measures of Protection and Observations thereon, Memorial and Oral Arguments appear in this volume in chronological order.

The page references originally appearing in the statements have been altered to correspond with the pagination of the present edition.

The Hague, 1980.

Le présent volume reproduit le dossier de l'affaire du *Plateau continental de la mer Egée*.

Cette affaire, inscrite au rôle général sous le numéro 62 le 10 août 1976, a fait l'objet d'une ordonnance portant indication de mesures conservatoires (*Plateau continental de la mer Egée, mesures conservatoires, ordonnance du 11 septembre 1976, C.I.J. Recueil 1976, p. 3*) et d'un arrêt rendu le 19 décembre 1978 (*Plateau continental de la mer Egée, arrêt, C.I.J. Recueil 1978, p. 3*).

La requête, la demande en indication de mesures conservatoires et les observations y relatives, le mémoire et les plaidoiries sont reproduits dans le présent volume suivant leur ordre chronologique.

Les renvois d'un exposé à l'autre ont été modifiés pour tenir compte de la pagination de la présente édition.

La Haye, 1980.

CONTENTS – TABLE DES MATIÈRES

	<i>Page</i>
Application Instituting Proceedings Submitted by the Government of Greece	
The subject of the dispute	3
The law	9
Jurisdiction	10
<i>Annexes to the Application</i>	
<i>Annex I.</i> Decisions of the Turkish Government granting permits for the exploration and exploitation of the continental shelf of the Aegean, published in the <i>Official Gazette</i> of the Turkish Government	13
<i>Annex II.</i> Official correspondence exchanged between Greece and Turkey	21
<i>Annex III</i>	33
<i>Annex IV</i>	35
<i>Annex V</i>	44
<i>Annex VI.</i> Statement of the Greek delegation at the meeting of experts of the Governments of Greece and Turkey in Berne on 19 and 20 June 1976.	47
<i>Annex VII</i>	50
<i>Annex VIII</i>	51
<i>Annex IX.</i> Règlement pacifique des différends internationaux. Acte général, Genève, le 26 septembre 1928 (Grèce)	59
<i>Annex X.</i> Règlement pacifique des différends internationaux. Acte général, Genève, le 26 septembre 1928 (Turquie).	60
Request for the Indication of Interim Measures of Protection Submitted by the Government of Greece	
Case to which this request relates	63
Rights to be protected	63
Grounds of the request	63
The extreme urgency of the request	65
Interim measures proposed	66
Observations of the Government of Turkey on the Request by the Government of Greece for Provisional Measures of Protection . . .	69
Oral Arguments on the Request for the Indication of Interim Measures of Protection	
OPENING OF THE ORAL PROCEEDINGS.	80
DÉCLARATION DE M. KARANDREAS (GRÈCE).	83
PLAIDOIRIE DE M. EUSTATHIADES (GRÈCE)	85

	<i>Page</i>
ARGUMENT OF PROFESSOR O'CONNELL (GREECE)	88
The areas of the Aegean under dispute ; nature of claim	88
Outline of main events	90
Central principle : the allocations of the seabed	92
Refutation of Turkish contentions :	
The Greek islands as mere "protruberances" of the Turkish continental shelf	93
Misapplication of the concept of "natural prolongation" of land mass	95
Entitlement of Greek islands to continental shelf	96
Importance to the conception of the continental shelf of the exercise of political authority	98
Legal requirements for indication of interim measures : general considerations	99
Article 41 of the Court's Statute	101
Article 33 of the General Act for the Pacific Settlement of International Disputes	101
Greece's reliance on Article 33 as presumptively in force	103
Conditions for indicating interim measures : review of previous cases	104
Matters in which Greece's rights could be prejudiced	107
Alleged distinction between exploration and scientific research	108
Technical aspects of seismic exploration	110
Jurisdiction of the Court	110
The Joint Communiqué of 31 May 1975	111
The 1928 General Act	112
Article 37 of the Statute	114
Wider implications of the case	115
Summing-up and conclusion	115
QUESTION BY JUDGE RUDA	118
PLAIDOIRIE DE M. PINTO (GRÈCE)	119
Rôle de la Cour dans le maintien de la paix	120
Menaces au maintien du <i>statu quo</i> dans la région	120
Portée de l'accord intervenu entre les premiers ministres le 31 mai 1975	121
Jurisprudence arbitrale	122
Correspondance diplomatique	123
Jurisprudence de la Cour	125
Mesures conservatoires demandées	127
Origine et portée des droits à protéger	128
Acte final de la conférence d'Helsinki de 1975	129
Menaces à l'exercice paisible des compétences de police	131
Menaces au maintien de la paix et de la sécurité	131
Essais nucléaires	133
QUESTION BY THE COURT	135
DÉCLARATION DE M. KARANDREAS (GRÈCE)	136
Conclusions finales	136
Réponse à la question de la Cour	137

	<i>Page</i>
QUESTION BY JUDGE LACHS	138
ARGUMENT OF PROFESSOR O'CONNELL (GREECE)	139
Reply to question put by Judge Ruda	139
Areas which Greece would seem to have covered by the Order of the Court	141
PLAIDOIRIE DE M. PINTO (GRÈCE).	143
Communication du ministère des affaires étrangères de Turquie en date du 25 août 1976	143
Cette communication n'affecte pas la position de la Grèce	144
CLOSING OF THE ORAL PROCEEDINGS	146
READING OF THE ORDER	147

Documents submitted to the Court after the filing of the Request for the Indication of Interim Measures of Protection

Extracts from the Greek <i>Official Gazettes</i> of 1936 and 1973 concerning the territorial sea	151
Compulsory Law No. 230 of 17 September/13 October 1936 concerning the establishment of the territorial sea of Greece	151
Legislative Decree No. 187 of 29 September/3 October 1973 promulgating the "Code of Public Maritime Law"	151
Compte rendu des rencontres d'experts de la Grèce et de la Turquie pour le plateau continental (Berne, 31 janvier-2 février 1976 et 19-20 juin 1976), rédigé par le groupe d'experts grec	152
Berne I (31 janvier-2 février 1976)	152
Berne II (19-20 juin 1976).	159
<i>Annex I.</i> Statement on Turkish positions by Ambassador Bilge, Berne, 31 January 1975	167
<i>Annex II.</i> Section of geological data of Turkish position during Berne meeting as dictated by Professor Arpat, 2 February 1976	168
<i>Annex III.</i> Informal draft on the equidistance line	170
Extracts from the log books of the <i>Gigas</i> , the <i>Nautilus</i> , the <i>Pezopoulos</i> and the <i>Leon</i> , and report of the Greek Naval Chief of Staff of the movements of the <i>MTA-Sismik I</i>	174
Articles in two Turkish newspapers published on 1 June 1975	183
Letter from Professor N. Politis to the Foreign Minister of Greece	186
Announcement No. 108, issued by the Department of Navigation Hydrography of the Turkish Navy, broadcast on 18 August 1976, concerning the new area of research of <i>Sismik I</i> from 18-25 August 1976	187

Mémoire de la Grèce (question de la compétence)

Introduction	191
A. Rappel des faits et de la procédure	191
B. L'existence d'un différend	192

	<i>Page</i>
Première partie	199
Remarques préliminaires	199
I. Il existe un lien de compétence obligatoire entre la Grèce et la Turquie au titre de l'Acte général pour le règlement pacifique des différends internationaux	200
A. La compétence de la Cour en vertu de l'Acte général : — La Grèce et la Turquie sont parties à l'Acte général	200
B. L'Acte général est un « traité en vigueur » conférant juridiction à la Cour internationale de Justice conformément aux articles 36, paragraphe 1, et 37 du Statut de la Cour	200
1. L'article 17 de l'Acte général	200
2. L'article 37 du Statut de la Cour	201
II. L'Acte général est en vigueur	203
A. Le droit et la pratique attestent que l'Acte général est en vigueur	203
1. La pratique du Secrétaire général des Nations Unies	204
2. Jurisprudence	204
3. La pratique des Etats	206
1) L'accord de règlement franco-thaïlandais du 17 novembre 1946	206
2) La Convention européenne pour le règlement pacifique des différends internationaux	207
3) Invocation de l'Acte général dans l'affaire de <i>Certains emprunts norvégiens</i>	208
4) L'affaire du <i>Temple de Préah Vihéar</i>	208
5) L'Acte général a continué d'être mentionné dans les compilations et listes de traités	208
6) Les opinions de la doctrine confirment le maintien en vigueur de l'Acte général	210
Conclusion	213
B. Aucun événement n'a mis fin à l'Acte général	213
1. L'Acte général n'a pas cessé d'être en vigueur en raison de ses liens avec le système de la Société des Nations	213
2. L'Acte général n'est pas devenu caduc en raison de sa non-application	222
3. L'Acte général révisé le 28 avril 1949 n'a pas affecté le maintien en vigueur de l'Acte général	226
4. Pratique des parties à l'Acte général postérieure à 1973	232
5. Le caractère indépendant de l'Acte général est confirmé par la comparaison des réserves dans les adhésions à l'Acte général avec les réserves formulées dans les déclarations de l'article 36 du Statut de la Cour permanente de Justice internationale	236
Conclusion	237
III. La réserve grecque n'affecte pas la compétence de la Cour	238
A. Le différend ne porte pas sur des questions que le droit international laisse à la compétence exclusive des Etats	239
B. Le différend n'a pas trait au statut territorial de la Grèce	251

	<i>Page</i>
Deuxième partie	260
I. Rappel des faits	260
A. Les échanges de vue et négociations précédant la décision du 31 mai 1975	260
B. Négociations postérieures à la décision du 31 mai 1975	262
II. Réfutation des thèses du Gouvernement turc	265
A. Un communiqué conjoint peut constituer un accord en droit international	265
1. Caractère obligatoire des déclarations unilatérales en droit international	265
2. Existence d'un accord verbal ayant force de droit	266
B. L'accord intervenu emporte obligation pour les deux Etats de soumettre leur différend à la Cour internationale de Justice	269
1. Les négociations sur la rédaction d'un compromis et le règlement du différend ne modifient pas l'obligation assumée	270
2. L'absence de compromis ne rend pas caduque cette obligation	271
III. Le droit	271
A. L'accord intervenu est plus qu'un engagement de négocier : il attribue directement compétence à la Cour	272
B. L'accord intervenu oblige les parties à conclure tout accord d'application nécessaire à l'exécution de l'obligation	272
C. Le refus de conclure un accord d'application par l'une des parties (en admettant qu'un tel accord soit nécessaire) permet à l'autre partie de saisir unilatéralement la Cour	274
D. Un accord d'application n'est pas au surplus nécessaire : le communiqué conjoint ouvre aux parties la voie de la requête comme celle du compromis	274
E. En admettant même qu'un accord complémentaire soit juridiquement nécessaire pour saisir la Cour, les deux parties ont l'obligation de négocier de bonne foi la conclusion d'un tel accord	276
Conclusion	278
<i>Annexes au mémoire</i>	
<i>Annexe I.</i> 1) Note grecque du 3 septembre 1976. 2) Note turque du 28 mars 1977	279
<i>Annexe I bis.</i> 1) Communiqué publié à Berne le 11 novembre 1976. 2) Procès-verbal sur la procédure à suivre pour la délimitation du plateau continental entre la Grèce et la Turquie	280
<i>Annexe II.</i> Liste de traités de conciliation	281
<i>Annexe III.</i> Travaux préparatoires de l'Acte général	282
<i>Annexe IV.</i> 1) Résolution A/24 (I) de l'Assemblée générale de l'ONU adoptée le 12 février 1946. 2) Résolution du 18 avril 1946 de l'Assemblée de la Société des Nations	285
<i>Annexe V.</i> Accession de nouveaux Etats aux traités conclus sous les auspices de la Société des Nations	288

	<i>Page</i>
Oral Arguments on Jurisdiction	
OPENING OF THE ORAL PROCEEDINGS	294
QUESTION BY THE COURT	296
DÉCLARATION DE M. KONSTANTOPOULOS (GRÈCE)	297
PLAIDOIRIE DE M. EVRIGENIS (GRÈCE)	303
Historique du différend soumis à la Cour	303
1960-1973	304
Fin 1973-31 mai 1975	304
QUESTIONS DE M. GROS ET SIR HUMPHREY WALDOCK ET DE M. DILLARD	309
PLAIDOIRIE DE M. EVRIGENIS (<i>suite</i>)	310
31 mai 1975-été 1976	310
Été 1976-9 octobre 1978	312
ARGUMENT OF PROFESSOR O'CONNELL (GREECE)	316
The compromissory clauses relied on by Greece	316
Challenges made by Turkey	317
Absence of respondent from proceedings: anomalies resulting therefrom	317
Turkish contention that case should not be proceeded with while negotiations continue	320
Statement of Turkish position at UNCLOS III	322
Scope of a duty to negotiate	324
Four propositions drawn from Court's Judgments	325
Existence of a dispute	327
Relevance of the possibility of discontinuance	330
First ground of jurisdiction: the 1928 General Act	332
Turkish contention that the Act is neither in force nor applicable between the parties	332
Comparisons with, and distinctions from, the <i>Nuclear Tests</i> cases	332
Relationship of the General Act to the League of Nations	335
General rule of treaty-law that treaties remain in force until terminated according to law	337
Intentions of the parties as the criterion for ascertaining if a treaty is in force	339
Treatment of the question in the Memorial: procedural difficulties resulting from non-appearance of Turkey	340
References to General Act during the period 1946-1973	341
The Greek reservation to the General Act: context and interpretation	341
Second ground of jurisdiction: The Brussels Joint Communiqué (31 May 1975)	344
PLAIDOIRIE DE M. DE VISSCHER (GRÈCE)	347
Acte général de Genève de 1928	347
<i>Emprunts norvégiens</i>	349
<i>Essais nucléaires</i> , opinion dissidente commune	349

	<i>Page</i>
Objections faites à la validité de l'Acte général	350
Intégration idéologique de l'Acte général au système de sécurité collective de la SdN	351
Travaux préparatoires	354
Intégration technique et organique de l'Acte général à ce système	357
Portée des articles 43 et 46	358
Références au Secrétaire général de la SdN dans les articles 43 à 47	361
Références à la Cour permanente de Justice internationale dans le chapitre II	361
Recours à la procédure judiciaire non subordonné au recours préalable à la conciliation	362
Substitution de la Cour internationale à la Cour permanente	363
Défaut d'application de l'Acte général	364
N'affecterait pas son maintien en vigueur	366
Pratique attestant que l'Acte est en vigueur	369
Adoption de l'Acte général révisé	369
Résolution 268 (III) du 28 avril 1949	370
Intention des Etats ayant pris part à la revision	372
Attitude ultérieure de ces Etats	374
Réactions de la doctrine	375
Changement fondamental de circonstances	376
Convention de Vienne sur le droit des traités	376
Doctrine	378
Conclusion : l'Acte général est en vigueur	378
PLAIDOIRIE DE M. WEIL (GRÈCE)	381
Réserve de la Grèce à l'Acte général de Genève de 1928	381
I. Le contexte procédural du problème	382
Mise en œuvre de la réciprocité aux termes de l'article 36 du Statut de la Cour	383
Mise en œuvre de la réciprocité aux termes de l'article 39 de l'Acte général	385
Conséquences de l'absence de la Turquie	386
Incertitude de la Grèce quant à l'application de la réciprocité	387
II. L'interprétation de la réserve	389
A. Comment interpréter une réserve à un instrument tel que l'Acte général ?	390
Réserves aux déclarations d'acceptation de la juridiction de la Cour et aux instruments d'adhésion à l'Acte général	390
Directives générales régissant l'interprétation des actes unilatéraux	392
Lecture naturelle et raisonnable eu égard à l'intention du Gouvernement à l'époque	395
B. La détermination des différends soustraits par la réserve à la compétence de la Cour	396
Le mécanisme des réserves à l'Acte général et son application	397

	<i>Page</i>
Limitation apportée par l'Acte général à la formulation des réserves	399
Application de l'article 39 par les parties à l'Acte général	400
L'interprétation des concepts	402
Sens des mots « et, notamment, »	402
Concept A et concept B	407
La lecture naturelle et raisonnable exclut qu'il y ait deux réserves	409
Intention de la Grèce à l'époque	410
Equilibre interne de la réserve	411
Objections possibles	411
Le contenu des concepts	414
Statut territorial	414
La délimitation du territoire national est étrangère au concept de statut territorial	419
III. L'application de la réserve	421
Le différend ne porte pas sur des questions relevant de la compétence exclusive des Etats	421
Le différend n'intéresse pas le statut territorial	421
Conclusion : le différend ne relève pas de la réserve	424
PLAIDOIRIE DE M. ECONOMIDES (GRÈCE)	426
I. Intention de la Grèce contenue dans sa réserve à l'Acte général	426
Analyse du texte grec de la réserve	427
Origines lointaines et immédiates de la réserve	427
Motifs du rattachement de la réserve de statut territorial à celle de compétence exclusive	431
II. Conception hellénique du statut territorial ou du territoire national	433
Lois helléniques relatives au plateau continental	434
QUESTION DE M. MOSLER	436
PLAIDOIRIE DE M. ECONOMIDES (<i>suite</i>)	437
Accord gréco-italien du 24 mai 1977 sur la délimitation du plateau continental	437
Coincidence entre droit hellénique et droit international	439
Réponse à la question de la Cour	439
ARGUMENT OF PROFESSOR O'CONNELL (GREECE)	441
Greek reservation concerning territorial status : refutation of Turkish contention that "sovereign rights over the continental shelf . . . affect the territorial status of both States".	441
Meaning of "affect"	442
Meaning of "status" and "territorial"	443
Meaning of "territorial status" in historical context	445
Drafting of Article 39 of the General Act	450

	<i>Page</i>
QUESTION DE LA COUR	452
ARGUMENT OF PROFESSOR O'CONNELL (<i>cont.</i>)	453
Delimitation is not a question of territorial status	453
The concept of the continental shelf could not have been anticipated when reservation was made	453
Objectively, "territorial status" cannot comprehend the continental shelf, the rights over which are not territorial	454
Disturbing consequences of an opposite view	458
Possibility for Greece to have withdrawn the reservation before instituting proceedings	460
PLAIDOIRIE DE M. PINTO (GRÈCE)	461
Le communiqué conjoint du 31 mai 1975 comme fondement de la compétence de la Cour	461
Circonstances de la conclusion de cet accord	464
QUESTION BY THE PRESIDENT	467
PLAIDOIRIE DE M. PINTO (<i>suite</i>)	468
Le communiqué conjoint remplit les conditions requises pour produire les effets juridiques attachés à un accord international	469
<i>Groënland oriental</i>	470
Convention de Vienne sur le droit des traités	471
Le communiqué conjoint contient au minimum une obligation de conclure un accord concernant la juridiction obligatoire de la Cour	476
La conduite subséquente des parties n'a pas modifié ses effets juridiques	477
Réfutation des objections possibles à la compétence de la Cour	479
Réponse à la question de M. Dillard	479
Question de sir Humphrey Waldock et réponse	482
Réponse à la question de M. Gros et sir Humphrey Waldock	482
Raisons qui ont déterminé la Grèce à choisir la voie de l'Acte général	485
<i>Compagnie d'électricité de Sofia et de Bulgarie</i>	486
PLAIDOIRIE DE M. EVRIGENIS (GRÈCE)	488
Réponse à la question de M. Gros et sir Humphrey Waldock	488
Absence d'accord des parties donnant priorité au traité de 1930	489
Le traité de 1930 n'entre pas dans le champ d'application de l'article 19 de l'Acte général	489
Préambule et article 4 du traité de 1938	491
Intention des parties	493
PLAIDOIRIE DE M. ECONOMIDES (GRÈCE)	495
Réponse à la question du Président	495
DÉCLARATION DE M. KONSTANTOPOULOS (GRÈCE)	496
Conclusions finales	497
CLOSING OF THE ORAL PROCEEDINGS	498
READING OF THE JUDGMENT	499

Documents submitted to the Court after the filing of the Memorial

A 1.	Extraits des débats du Conseil de sécurité	503
	Séances des 12 et 13 août 1976	503
	Séance du 25 août 1976	504
A 2.	Letter of the Permanent Representative of Turkey to the Security Council (New York, 18 August 1976)	509
A 3.	Joint communiqué of the Ministers for Foreign Affairs of Greece and Turkey (New York, 1 October 1976)	511
A 4.	Communiqué conjoint des ministres des affaires étrangères de Grèce et de Turquie (Bruxelles, 11 décembre 1976)	512
A 5.	Communiqué commun des ministres des affaires étrangères de Grèce et de Turquie (Strasbourg, 29 janvier 1977)	513
A 6.	Communiqué conjoint des ministres des affaires étrangères de Grèce et de Turquie (Strasbourg, 28 avril 1977)	514
A 7.	Communiqué conjoint des ministres des affaires étrangères de Grèce et de Turquie (Bruxelles, 9 décembre 1977)	515
A 8.	Joint communiqué of the Prime Ministers of Greece and Turkey (Montreux, 11 March 1978)	516
A 9.	Discours de M. Bilge, représentant de la Turquie à la conférence sur le droit de la mer (Genève, 25 mai 1978)	517
A 10.	Joint communiqué of the Prime Ministers of Greece and Turkey (Washington, 29 May 1978)	519
A 11.	Joint communiqué of the Secretaries General of the Ministries of Foreign Affairs of Greece and Turkey (Ankara, 5 July 1978)	520
A 12.	Greek note to Turkey (9 September 1978)	520
A 13.	Joint communiqué of the Secretaries General of the Ministries of Foreign Affairs of Greece and Turkey (Athens, 20 September 1978)	521
A 14.	Joint Press release of the Ministers of Foreign Affairs of Greece and Turkey (New York, 28 September 1978)	522
A 15.	Turkish note to Greece (Ankara, 29 September 1978)	523
A 16.	Annonce à la presse du porte-parole du ministère des affaires étrangères de Turquie (29 septembre 1978)	524
B 1.	Rapport de la Troisième Commission à l'Assemblée de la Société des Nations (rapporteur M. N. Politis)	525
B 2.	Extraits du procès-verbal de la deuxième séance de la Troisième Commission de l'Assemblée de la Société des Nations, 11 septembre 1928	525
B 3.	Procès-verbal de la dixième séance de la Première Commission de l'Assemblée de la Société des Nations, 21 septembre 1928	525
B 4.	Note introductive aux conventions de conciliation, d'arbitrage et de règlement judiciaire (extrait du rapport du comité d'arbitrage et de sécurité sur les travaux de sa troisième session)	525
B 5.	Procès-verbal de la séance mixte des Première et Troisième Commissions de l'Assemblée de la Société des Nations, 24 septembre 1928	525
B 6.	Procès-verbal des treizième et quatorzième séances de la Troisième Commission de l'Assemblée de la Société des Nations, 24 septembre 1928	526

	Page
B 7. Actes postérieurs à la date à laquelle le Secrétaire général de l'Organisation des Nations Unies a assumé ses fonctions de dépositaire	526
B 8. Restitution à l'Acte général du 26 septembre 1928 de son efficacité première	526
B 9. Extrait du procès-verbal de la dix-huitième séance plénière tenue par l'Assemblée de la Société des Nations le 25 septembre 1928	526
C 1. Article 12 de la convention de paix signée à Athènes le 14 novembre 1913 entre la Grèce et la Turquie	527
C 2. Articles 12, 13, 15, 57, 126, 181 et 188 du traité de paix de Neuilly du 27 novembre 1919 avec la Bulgarie	528
C 3. Articles 15 et 16 du traité entre les puissances alliées et la Grèce relatif à la Thrace signé le 10 août 1920 à Sèvres et maintenu en vigueur par le protocole XVI de la conférence de Lausanne	533
C 4. Article 16 du traité entre les principales Puissances alliées et la Grèce concernant la protection des minorités en Grèce, signé le 15 août 1920 à Sèvres et maintenu en vigueur par le protocole XVI de la conférence de Lausanne	534
C 5. Article 12 de la convention de Belgrade du 10 mai 1923 entre la Grèce et la Yougoslavie, relative au règlement du transit par voie de Salonique	535
C 6. Articles 44, 45 et 92 du traité de paix avec la Turquie, signé à Lausanne le 24 juillet 1923	536
C 7. Article 4 de la convention concernant la frontière de Thrace, signée à Lausanne le 24 juillet 1923	538
C 8. Décret-loi n° 210 du 3-5 octobre 1973 portant code minier	539
C 9. Accord du 24 mai 1977 entre la République hellénique et la République italienne sur la délimitation des zones du plateau continental propres à chacun des deux Etats	540
C 10. Certificat du président de la Chambre des députés des Hellènes (Athènes, 30 juin 1978)	542
D 1. Exposé des motifs du projet de loi d'approbation parlementaire de l'Acte général par la Grèce	543
D 2. Original du manuscrit du projet de loi d'approbation parlementaire de l'Acte général	546
D 3. Projet définitif de loi d'approbation soumis au Parlement	547
D 4. Certificat du président de la Chambre des députés des Hellènes attestant que le projet de loi précité a été voté sans débat	548
D 5. Original du texte définitif de la loi d'approbation de l'Acte général	549
D 6. Procès-verbal du dépôt à la Société des Nations de l'instrument d'adhésion de la Grèce à l'Acte général pour le règlement pacifique des différends internationaux	550
E 1. List of treaties demonstrating the interchangeability of "territorial status" and other expressions	552
E 2. Extraits de J. Barabé, <i>Le service juridique des Nations Unies et les traités internationaux</i> , thèse, Paris, 1975	555
F 1. Exposé des motifs soumis à la Chambre des députés en vue de l'approbation du projet de loi autorisant l'adhésion de la Grèce à la clause facultative de l'article 36 du Statut de la Cour permanente de Justice internationale	560

	<i>Page</i>
F 2. Loi portant acceptation sous conditions par la Grèce de la clause de l'article 36 du Statut de la Cour permanente de Justice internationale de La Haye concernant l'arbitrage obligatoire (<i>Journal officiel</i> , fascicule A, n° 152, 6 août 1928)	561
F 3. Proposition du ministre des affaires étrangères au Conseil des ministres au sujet des réserves	562
F 4. Décision du Conseil des ministres au sujet des réserves	563
F 5. Transmission de la décision du Conseil des ministres au ministre des affaires étrangères	564
F 6. Nouvelle proposition du ministre des affaires étrangères au Conseil des ministres demandant à posteriori modification de la décision précédente	565
F 7. Nouvelle décision du Conseil des ministres approuvant à posteriori la nouvelle proposition du ministre des affaires étrangères	567
F 8. Annonce par la Société des Nations du dépôt de la déclaration hellénique d'acceptation de la disposition facultative de l'article 36 du Statut de la Cour permanente de Justice internationale	568
Correspondence	571

**APPLICATION INSTITUTING PROCEEDINGS
SUBMITTED BY THE GOVERNMENT
OF GREECE**

**REQUÊTE INTRODUCTIVE D'INSTANCE
PRÉSENTÉE PAR LE GOUVERNEMENT
DE LA GRÈCE**

I have the honour to submit to the International Court of Justice, in accordance with Article 40 of its Statute read in conjunction with Article 35 of its Rules of Court, an Application instituting proceedings on behalf of Greece against Turkey in the following case:

THE SUBJECT OF THE DISPUTE

1. On 1 November 1973 a decision was published in the Official Turkish Gazette granting the Turkish State Petroleum Company (TPAO) the right to carry out exploration for petroleum in 27 regions of the Aegean continental shelf east of a line starting at the mouth of the Evros River in the north and extending southwards and to the west of the Greek islands of Chios and Psara.

The area covered by these permits encroached upon the continental shelf of the Greek islands of Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios, Psara and Antipsara. A copy of the Gazette and the accompanying map is set forth in Annex I.

2. On 7 February 1974 the Government of Greece addressed a Note Verbale to the Government of Turkey in which it questioned the validity of the permits issued by the Turkish Government and reserved the sovereign rights of Greece over the continental shelf and the subsoil of the islands of Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios, Psara and Antipsara for the purpose of exploring it and exploiting its natural resources.

The Turkish Government replied on 27 February 1974 that there are vast submarine areas along and offshore the Turkish coast which constitute the natural prolongation of the Anatolian coast and therefore its continental shelf whereas the Greek islands lying very close to the Turkish coast do not possess a continental shelf of their own. The texts of the above-mentioned Notes Verbales are set forth in Annex II.

3. On 24 May 1974 the Greek Government addressed a Note to the Turkish Government in which it declared that, while reserving its position, it was not opposed to a delimitation of the continental shelf between Greece and Turkey upon the basis of positive international law as codified by the Convention on the Continental Shelf signed at Geneva in 1958. The Turkish Government stated in response on 5 June 1974 that it was willing to discuss the matter within the framework of the rules of international law.

4. On 14 June 1974 the Government of Greece addressed a further Note Verbale to the Government of Turkey, reaffirming and reserving all the sovereign rights of Greece over the continental shelf of the Greek islands opposite the Turkish coast.

5. The Official Turkish Gazette of 18 July 1974 contained details of the grant of new exploration permits for petroleum in the Aegean Sea to the

Turkish Petroleum Company. These new permits extended the area of the original grants to the Turkish Petroleum Company further west of the Greek islands of Samothrace, Aghios Eustratios, Lesbos, Psara, Antipsara and Chios. Furthermore, permits were granted for the first time in the southern Aegean to the north west and west of the islands of Ikaria and the Dodecanese group of islands, including the island of Rhodes to the south. A copy of the Gazette and the accompanying map, as well as a map showing the area covered by successive exploration permits, issued by the Turkish Government, are included in Annex I.

6. On 22 August 1974 the Government of Greece addressed a Note to the Government of Turkey *regretting the action of Turkey in granting exploration permits for petroleum to the Turkish Petroleum Company in the Aegean Sea westwards of the Greek islands*, and stating that the sovereign rights of Greece for the purpose of exploring and exploiting the natural resources of the continental shelf of the said islands were exclusive to Greece. Consequently, the Greek Government lodged a vigorous protest with the Turkish Government and stated that it did not recognise any validity in the actions of the Turkish Government which were in contradiction with the rules of international law.

7. On 16 September 1974 the Turkish Government rejected the aforesaid Note of protest, stating that the said areas were part of the Turkish continental shelf; but added that a mutually acceptable solution of the problems of delimiting the said sea areas of the Aegean, whose opposite coasts both countries share, should be reached through negotiations.

8. There followed discussions between the Ambassador of Greece in Ankara and the Turkish Government, which led to the Government of Greece addressing a further Note to the Turkish Government on 27 January 1975. This recalled the latter's assurances that Turkey was animated by a spirit of conciliation, and the Government of Greece proposed that the differences over the applicable law, as over the substance of the matter, be referred to the International Court of Justice.

9. On 6 February 1975 the Government of Turkey replied in a Note Verbale to the Government of Greece in which it said that it was the considered view of the Turkish Government that various vital questions concerning the Aegean Sea were still outstanding between Greece and Turkey, which should be settled through peaceful means. The Government of Turkey stated that "in principle it favourably considers the Greek Government's proposal to refer the dispute of the delimitation of the Aegean continental shelf jointly to the International Court of Justice" and proposed that high-level talks be initiated between the two Governments.

10. On 10 February 1975 the Government of Greece addressed a Note Verbale to the Government of Turkey in which it stated that it agreed that, following suitable preparation, talks should be held in order to draft the terms of the special agreement to submit the matter to the International Court of Justice.

11. The texts of the Notes mentioned in the above paragraphs 2 to 4 and 6 to 10 are set forth in Annex II.

12. The Foreign Ministers of Greece and Turkey met with their advisers on 17-19 May 1975 in Rome. The Greek side submitted a draft text of a compromis for negotiation. The Turkish side stated that they were not ready to discuss it, and argued that substantive negotiations should first take place. The meeting ended with the issuance of a communiqué on 19 May 1975, in which it was stated that:

"Les questions relatives au plateau continental de la mer Egée ont été discutées et une première étude d'un texte de compromis concernant la soumission de l'affaire devant la Cour internationale de Justice a eu lieu."

13. (1) On 31 May 1975 the Prime Ministers of Greece and Turkey met in Brussels and issued a joint communiqué stating that they had decided that the problems dividing the two countries should be resolved peacefully "et, au sujet du plateau continental de la mer Egée, par la Cour internationale de La Haye". The text of the communiqué is set forth in Annex III.
- (2) Under the Brussels agreement the meeting of experts on the continental shelf was to be expedited. Following persistent efforts of the Greek Government to fix a date and venue for the meeting of experts with a view to drafting a special agreement, the Turkish side agreed to fix it for 25-27 September 1975 in Paris. This meeting did not take place as the Turkish Government chose to postpone it at the last moment.

14. On 30 September 1975 the Government of Turkey addressed a Note to the Government of Greece in which it recalled that at the meeting in Rome mentioned in paragraph 12 the Turkish Foreign Minister had said that it would not be in the interests of the two countries to submit the dispute to the International Court of Justice without first attempting meaningful negotiations, while the Greek Foreign Minister had argued that the dispute be taken directly to the International Court of Justice. The Turkish Foreign Minister added that "some aspects of the continental shelf concept are yet to be established. For this reason the principles to be applied can best be determined between the countries concerned." The Turkish Government reiterated its point of view that the best method of solving these differences was bilateral negotiations leading to a just and fair agreement based on equitable principles.

15. On 2 October 1975 the Government of Greece replied to this Turkish Note. It recalled that the issue of the continental shelf was clearly one of delimitation, and that it had previously been agreed that this was to be settled by the International Court of Justice; and also that the initiation of Court proceedings would take precedence over possible talks. The Government of Greece called upon the Government of Turkey to agree to an early drafting of the special agreement which would enable the International Court of Justice to proceed to the delimitation of the continental shelf appertaining to the two countries.

16. On 18 November 1975 the Government of Turkey addressed a Note to the Government of Greece in which it said that the present differences had arisen because the continental shelf of the Aegean had yet to be delimited. It said that it had consistently pointed out that, due to the extremely complex problems involved in drawing a boundary line and to the particularities of the region, the delimitation of the area could only be realized jointly if an equitable solution, acceptable to both sides, were found. The Turkish Government did not share the Greek interpretation of the previous correspondence, namely that the parties had already agreed to refer the dispute to the International Court of Justice, and it invited the Government of Greece to a meeting with the aim of conducting meaningful negotiations.

17. On 19 December 1975 the Government of Greece replied, stating that the Notes exchanged between the two Governments revealed that they were

in disagreement concerning the principles of international law applicable to the delimitation of the continental shelf, and their application in the concrete case of the Aegean Sea. The Government of Greece said that, since negotiations were necessary for the purpose of drafting a special agreement to submit the matter to the International Court of Justice, it was understood that, if the Government of Turkey in the course of such negotiations should make proposals relative to the removal of the points of disagreement between the two Governments, these would constitute the object of appropriate study.

18. The texts of the Notes mentioned in paragraphs 14 to 17 are set forth in Annex IV.

19. A meeting of delegations and experts of both Greece and Turkey met in Berne from 31 January to 2 February 1976 but no agreement was reached upon any communiqué. Following the meeting, the Government of Turkey addressed a Note to the Government of Greece, on 15 March 1976, stating that it believed that future meetings should take the form of meaningful negotiations.

20. On 22 May 1976 the Government of Greece addressed a Note to the Government of Turkey, in which it recalled the position stated in its Note of 19 December 1975, and the fact that the correspondence between the two Governments had revealed the existence of a dispute which, consistent with the exchanges of Notes between them, ought to be submitted to the International Court of Justice. The Note stated that at the Berne meeting the Greek delegation had emphasized three fundamental legal points, namely:

- (a) the territorial and political unity of the continental and insular parts of the Greek State;
- (b) the existence of a continental shelf appurtenant to the Greek islands concerned;
- (c) the application of the rule of the median line between opposite coasts as the line of delimitation in the seabed between the Greek islands and the Turkish territories.

The Turkish delegation, the Note recalled, had stated that the islands of Limnos, Chios, Samos, Lesbos, Aghios Eustratios, Ikaria and Kos could not have a continental shelf because they were mere protuberances of the Turkish continental shelf. The Greek Note concluded by saying that negotiations could not take place in derogation from the norms of international law concerning the division of the continental shelf, and by expressing the hope that the next meeting would yield a more promising exchange of views, failing which, the Note said, the only course would be for the two Governments to proceed to the drafting of a special agreement to refer the matter to the International Court, conformably with engagements taken between them.

21. The texts of the Notes mentioned in paragraphs 19 and 20 are set forth in Annex V.

22. A meeting of delegations and experts of the Governments of Greece and Turkey took place in Berne on 19 and 20 June 1976. At that meeting the Government of Greece stated its fundamental position as follows:

- (1) The rule of international law respecting the delimitation of common continental shelf boundaries in the case of opposite States is the median line rule.
- (2) This rule applies whether the delimitation concerns insular or con-

tinental seabeds, provided there is continuous seabed between the opposite States which conforms with the definition of continental shelf.

- (3) Since this rule confers legal rights upon Greece, it follows that Greece is under no obligation to negotiate a settlement which would involve any surrender of these rights.
- (4) In particular, no provisions of the United Nations Charter require negotiation rather than judicial settlement in the case of any right of a Member which is contested by another Member.
- (5) In particular, no special rule of customary international law exists which requires States that are on opposite sides of a common continental shelf to negotiate a boundary except by reference to the application of the median line rule.

The text of this statement is set forth in Annex VI.

23. The Turkish delegation did not directly answer the question put to it in the aforesaid statement. In particular, it declined to answer the question whether it wished Greece to waive rights vested in her by international law, in order to reach a solution of the dispute.

24. It is to be recalled that from 29 May to 4 June 1974 the Turkish hydrographic vessel *Candarli* accompanied by 32 warships of the Turkish Navy cruised the north eastern and central part of the Aegean in order to carry out magnetometric exploration. The vessel sailed along the western limits of the area encompassing the exploration permits granted to the Turkish Petroleum Company on 1 November 1973.

The Greek Government reacted by sending a naval force to the spot with orders to show the flag and to plot the course of the research vessel and her covering force.

On 14 June 1974 the Greek Government lodged a vigorous protest with the Turkish Government against the violation by the Turkish research vessel of the sovereign rights of Greece over the continental shelf of the islands of Limnos, Aghios Eustratios, Lesbos, Skyros, Psara, Antipsara and Chios and reaffirming and reserving all the rights of Greece over the continental shelf of the Greek islands opposite the Turkish coast. On 4 July 1974 the Turkish Government rejected the Greek protest.

The sortie of the Turkish research vessel and the manner in which it was carried out gave rise to extreme tension as attested by news reports and leading articles published in the press of the two countries.

25. A Press release issued after the meeting of the National Security Council of Turkey on 13 July 1976, which took place under the chairmanship of the President of the Turkish Republic, mentions that in the course of this meeting consideration had been given to the information provided to the Council concerning researches which would be undertaken by the seismic research vessel *MTA-Sismik I* in the Turkish territorial sea and in the high seas. The Press release added that it had been decided to recommend to the Government that it should take all appropriate measures so that the scientific researches of the ship would be achieved normally. This communiqué was followed by a clarification published by the newspaper *Milliyet* on 14 July 1976. This stated that official Turkish sources, referring to the expression "appropriate measures" mentioned in the Press release above referred to, stated that *Sismik I* would not be accompanied by warships but that nonetheless all necessary measures would be taken so as to detect immediately any attack against the vessel and to respond instantaneously in case of such attack. In order to guarantee that the vessel would be able to carry out its

researches normally, its movements would be followed by special devices. It was said that this was the sense of the communiqué of the National Security Council.

The texts of these documents are set forth in Annex VII.

26. (a) On 21 July 1976 and again on 23 July 1976 the Greek Ambassador in Ankara conveyed to the Turkish Foreign Minister, in most explicit terms, the grave concern of the Greek Government over the infringement of the legal rights of Greece by way of an eventual exploration without its consent of the continental shelf in the Aegean Sea appertaining to Greece. He also pointed out the prejudicial effects of such exploratory activity on the relations between the two countries and, more generally, on the situation in the Aegean.
- (b) In an effort to prevent these undesirable developments the Greek Government considered certain oral assurances given to the Greek Ambassador in Ankara by the Turkish Foreign Minister, with a view to ensuring that the researches made by the vessel *Sismik I* would be purely scientific and would in no case encroach upon the sovereign rights of Greece on her continental shelf. However, before being apprised of the final views of the Greek Government, the Turkish Foreign Minister, who had not spared the time to receive the Greek Ambassador previously, made a public statement over the Turkish radio and television system, which by its very nature effectively terminated these deliberations.
- (c) On 6 August 1976, as of 19.45 hours, the Turkish research vessel *MTA-Sismik I* was observed engaging in seismic exploration of an area of the continental shelf of the Aegean appertaining to Greece and comprised within the following coordinates:

Lat. 39 26.5 N	Long. 25 50.5 E
„ 39 25 „ - „	25 48 „
„ 39 22 „ - „	25 45 „
„ 39 23 „ - „	25 44 „
„ 39 26 „ - „	25 45 „
„ 39 28 „ - „	25 44 „
„ 39 30 „ - „	25 43 „

Seismic exploration of the Greek continental shelf ceased on 7 August at 00.30 hour.

- (d) On 7 August the Greek Government addressed a Note to the Turkish Government, in which it protested against the violation of its legal rights, requested that the latter take all necessary measures to ensure that this violation would not recur in the future and reserved all its rights under international law. On 8 August 1976 the Turkish Government rejected the Greek protest which it "deemed devoid of any bases and totally unacceptable". It also stated that the "research activities should be carried out in accordance with the established programme".
- (e) On 7 and 8 August 1976, the Turkish research vessel escorted by a Turkish minesweeper and, intermittently, by Turkish aircraft, continued its exploration of the Greek continental shelf in an area comprised within the following coordinates:

Lat. 39 25 N	Long. 25 54 E
„ 39 22.5 „ - „	25 47.2 „
„ 39 20 „ - „	25 40 „

Lat.	39 20.7	N	—	Long.	25 37	E
„	39 25.8	„	—	„	25 32.6	„
„	39 34	„	—	„	25 25.2	„
„	39 40	„	—	„	25 23.5	„
„	39 40	„	—	„	25 27.2	„
„	39 30.7	„	—	„	25 33.5	„
„	39 22.2	„	—	„	25 38.7	„
„	39 22.5	„	—	„	25 41.3	„
„	39 34.5	„	—	„	25 36	„
„	39 43.5	„	—	„	25 28.5	„
„	39 42	„	—	„	25 32.2	„
„	39 29.6	„	—	„	25 43.5	„
„	39 24.9	„	—	„	25 48	„
„	39 27.4	„	—	„	25 48.2	„

(f) On 9 August the Greek Government sent a Note to the Turkish Government indicating that:

- (i) it could not accept the grounds for the rejection of its protest;
- (ii) the illegal explorations of the Greek continental shelf continued as set forth above; and
- (iii) the military escort provided to the Turkish research vessel rendered the circumstances of the violation of its sovereign rights particularly aggravating.

The Greek Government lodged a solemn and vigorous protest against these actions, requested the Turkish Government to cease these activities and refrain from any ulterior provocative action, and reiterated the reservation of its legal rights on the continental shelf of the Aegean Sea appertaining to Greece.

The texts of the Turkish Foreign Minister's public statement mentioned in subparagraph (b) above, of the Greek Government's protest dated 7 August 1976 and of the Turkish Note dated 8 August mentioned in subparagraph (d) above, of the Greek Note dated 9 August 1976 and the Memorandum therein referred to, and addressed by the Greek Embassy to the Turkish Foreign Ministry on 24 March 1976, mentioned in subparagraph (f) above, appear in Annex VIII.

27. Activities of Turkey in conducting exploration on the continental shelf of Greece would constitute a violation of the sovereign rights of Greece and the exclusivity possessed by Greece under international law to explore and exploit its continental shelf and to conserve the knowledge of the geographical properties thereof, or to grant licences for exploitation and exploration or permission for the conduct of scientific research. Such activities would constitute a grave aggravation of the situation and threaten the peace and security of the area.

THE LAW

28. In the circumstances which are described in the preceding paragraphs of this Application, and which the Government of Greece will set out more fully in its Memorial and in subsequent written and oral pleadings, it is clear that a legal dispute, which it has not been possible to resolve through nego-

tations, exists between Greece and Turkey concerning their respective legal rights to explore and exploit the continental shelf of the Aegean.

29. The Government of Greece contends that all the islands under the sovereignty of Greece and in particular the islands of Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios, Psara, Antipsara, Samos, Ikaria and all the islands of the Dodecanese group (Patmos, Leros, Kalimnos, Kos, Astypalaia, Nisiros, Tilos, Simi, Chalki, Rhodes, Karpathos, etc.) hereinafter called the Islands, which lie upon the continental shelf that extends beneath the Aegean Sea between Greece and Turkey, are an integral part of Greek territory which is entitled to the portion of this continental shelf which appertains to them; and that by virtue of the operation of the principles of international law concerning the continental shelf, the following legal rules apply, namely:

- (1) That, taking into account the territorial and political unity of Greece, Greece has exclusive rights to exploration and exploitation of the portions of the continental shelf appertaining to the said Islands; and that no research may be carried out without the consent of Greece.
- (2) That since the said Islands are opposite the coast of Turkey, the delimitation of the portions of the continental shelf which appertain respectively to Greece and Turkey is to be effected by reference to the point at which respectively the natural prolongations of the Greek and Turkish territories, whether insular or continental, meet and overlap; and that that point can only be the median line between the said Islands and such baselines as are lawfully established for the delimitation of the Turkish territorial sea, so that an equal division of the particular area is achieved.

30. Activities of Turkey described in paragraphs 25 and 26 above constitute infringements of the exclusive sovereign rights of Greece to the exploration and exploitation of the continental shelf appertaining to Greece.

31. The dispute is confined to the continental shelf adjacent to the said Islands and does not concern any other part of the Aegean Sea or seabed thereof.

JURISDICTION

32. The present dispute is submitted to the Court on the following basis:

- (1) Article 17 of the General Act for the Pacific Settlement of International Disputes, 1928, read together with Articles 36 (1) and 37 of the Statute of the Court. Respectively on 14 September 1931 and 26 June 1934, Greece and Turkey acceded to this instrument, which is still in force for both of them. The texts of these accessions were accompanied by declarations which are irrelevant to the present case. These texts are set forth in Annexes IX and X.
- (2) The joint communiqué of Brussels of 31 May 1975, which followed previous exchange of views, states that the Prime Ministers of Greece and Turkey have decided that the problems dividing the two countries should be resolved peacefully "et, au sujet du plateau continental de la mer Egée, par la Cour internationale de La Haye". The two Governments thereby jointly and severally accepted the jurisdiction of the Court in the present matter, pursuant to Article 36 (1) of the Statute of the Court.

RESERVING ITS RIGHTS TO SUPPLEMENT OR AMEND ITS REQUEST, AND SUBJECT TO THE SUBSEQUENT PRESENTATION TO THE COURT OF ANY EVIDENCE AND ARGUMENT, THE GOVERNMENT OF GREECE REQUESTS THE COURT TO ADJUDGE AND DECLARE:

- (i) that the Greek islands referred to in paragraph 29 above, as part of the territory of Greece, are entitled to the portion of the continental shelf which appertains to them according to the applicable principles and rules of international law;
- (ii) what is the course of the boundary (or boundaries) between the portions of the continental shelf appertaining to Greece and Turkey in the Aegean Sea in accordance with the principles and rules of international law which the Court shall determine to be applicable to the delimitation of the continental shelf in the aforesaid areas of the Aegean Sea;
- (iii) that Greece is entitled to exercise over its continental shelf sovereign and exclusive rights for the purpose of researching and exploring it and exploiting its natural resources;
- (iv) that Turkey is not entitled to undertake any activities on the Greek continental shelf, whether by exploration, exploitation, research or otherwise, without the consent of Greece;
- (v) that the activities of Turkey described in paragraphs 25 and 26 above constitute infringements of the sovereign and exclusive rights of Greece to explore and exploit its continental shelf or to authorize scientific research respecting the continental shelf;
- (vi) that Turkey shall not continue any further activities as described above in subparagraph (iv) within the areas of the continental shelf which the Court shall adjudge appertain to Greece.

The Hague, 10 August 1976.

(Signed) Nicolas KARANDREAS,
Ambassador of Greece at The Hague,
Agent for the Government of Greece.

ANNEXES TO THE APPLICATION

Annex I

DECISIONS OF THE TURKISH GOVERNMENT GRANTING PERMITS FOR THE EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF OF THE AEGEAN, PUBLISHED IN THE OFFICIAL GAZETTE OF THE TURKISH GOVERNMENT

(a) *Official Gazette of the Turkish Government, 1 November 1973*

Publication of the Official Turkish Gazette in its issue of 1 November 1973 showing the granting of 27 exploration permits for petroleum in the Aegean Sea to the Turkish Petroleum Company. (See p. 15.)

(b) *Official Gazette of the Turkish Government, 6 June 1974*

Publication of the Official Turkish Gazette in its issue of 6 June 1974 showing the granting of new exploration permits for petroleum in the Aegean Sea to the Turkish Petroleum Company. Permits granted in accordance with decision No. 7/8308 of the Turkish Government. (See p. 17.)

(c) *Official Gazette of the Turkish Government, 18 July 1974*

Publication of the Official Turkish Gazette in its issue of 18 July 1974 showing the granting of new exploration permits for petroleum in the Aegean Sea to the Turkish Petroleum Company. (See pp. 18 and 19.)

(a)

Publication of the Official Turkish Gazette in its issue of 1 November 1973 showing 27 oil concessions granted by the Turkish Government to the Turkish Petroleum Company

(a)

Altındağ Sulh Hukuk HAKİMLİĞİNDEN :

1972/1095

Davacılar Mustafa Turgut ve diğer 7 hissedarı vekilleri Avukat Kıymet Özpinar tarafından davalılar Süleyman Akalın ve diğer 10 hissedarı vekillerine açılan İzalet şuyuu davasının yapılan muhakemesinde :

Davalılardan Hanım Şahin ve Osman Sarışen adlarına ilânen tebliğ yapıldığı halde duruşmaya gelmediklerinden haklarında verilen gıyap kararının da ilânen yapılmasına karar verildiğinden duruşma günü olan 6/12/1973 tarihinde duruşmaya gelmediği ve kendilerini de bir vekille temsil ettirmeleri aksi halde duruşmanın gıyaplarında olacağı gıyap yeme kalmı olmak üzere ilân olunur. 14703

1972/1095

Davacılar Mustafa Turgut ve diğer 7 hissedarı vekilleri Avukat Kıymet Özpinar tarafından davalılar Süleyman Akalın ve diğer 10 hissedarı vekillerine açılan İzalet şuyuu davasının yapılan muhakemesinde :

Davalılardan Tevfik Tezcan adına çıkartılan tebliğatın bîlâ tebliğato edildiği anlaşıldığından ve zabıtaca da adresinin bulunmadığından mahkemenin Resmi Gazete ile çıkartılmasına karar verilmiştir.

Karar gereğince adı geçen davalılardan Tevfik Tezcan'ın duruşma

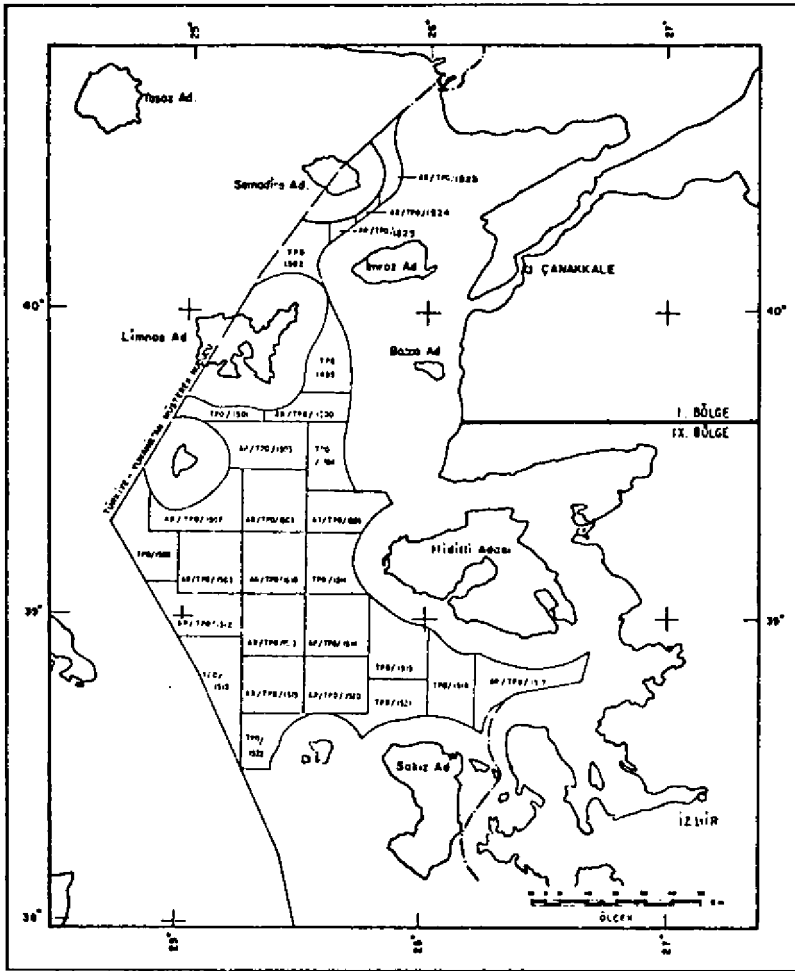
günü olan 6/12/1973 Perşembe günü saat 9.40 da kendisini bir vekille temsil ettirmesi aksi halde gıyap kararı uygulanacağı davetiye yerine kalmı cıniak üzere ilânen tebliğ olunur. 14703

İstanbul Menkul Kıymetler ve Kambyo Borsası Hazine Komisyonluğundan :

Merkezi İstanbul'da bulunan Alarko Holding A. Ş. tarafından ihraç olunan 7 yıl vadeli % 15 faizli 5.000 lira itibari değerde 2000 adet, 10.000 lira itibari değerde 1000 adet toplam, 20.000.000 liralık hamiline yazılı tahviller 22/10/1973 tarihinden itibaren Borsa kotuna kayıt ve tescil edilmiştir. 15084

Petrol İşleri Genel Müdürlüğünden :

I No. lu Marmara ve IX No. lu Ege petrol bölgelerinin batısında, Ege Denizinde Türk Karasuları dışında ve kıta sahanlığında bulunan ve bu ilân ile birlikte nesnedilen haritada hudutları tespit olunan sahalarla şâmil olmak üzere 18/10/1973 tarihinde Türkiye Petrolleri Anonim Ortaklığına 27 adet petrol arama ruhsatnamesi verildiği Petrol Kanununun 38/1 inci maddesinin (b) fıkrası muvafıca ilân olunur.



Türkiye Petrolleri Anonim Ortaklığına verilen petrol arama ruhsatnamelerini gösteren harita

18004 / 13

(b)

Publication of the Official Turkish Gazette in its issue of 6 June 1974 showing new oil concessions granted by the Turkish Government to the Turkish Petroleum Company. The concessions were granted in accordance with decision No. 7/8308 of the Turkish Government.

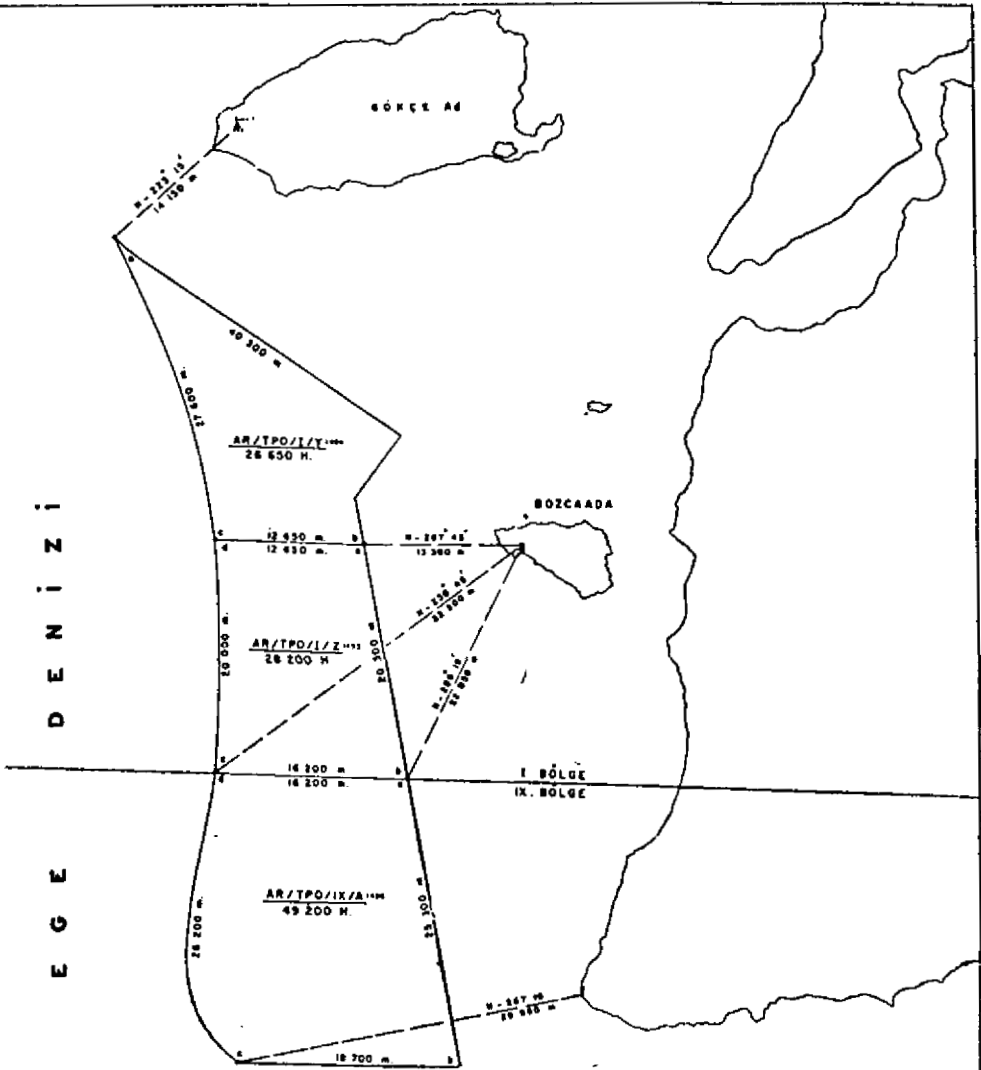
KARARNAMER

Kanunun 20. maddesiyle değişik 2 nci fıkrasına göre, Bakanlar Kurulunca 2/5/1974 tarihinde kararlaştırılmıştır.

CUMHURBAŞKANI
FAHRİ S. KORUTÖRK

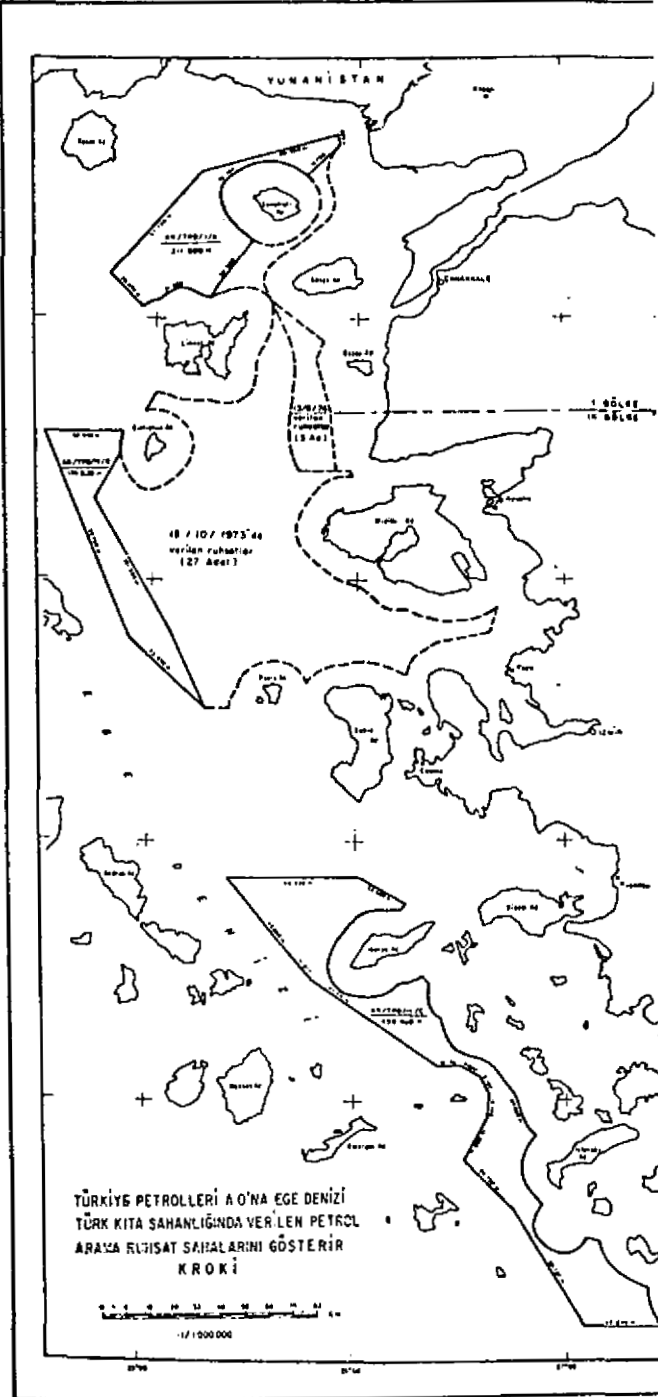
1 ve IX numaralı Petrol Bölgelerinin batısında Ege Denizinde Türk Sahilinden itibaren ve Türkiye'ye ait kıta sahanlıklar üzerinde bulunan ilkök 1/200.000 ölçekli haritada hudutları tesbit edilmiş sahalarda Türkiye Petrolleri Anonim Ortaklığı tarafından 29 Nisan 1958 tarihli ve 106/1464 sayılı Bakanlar Kurulu kararı ile yürürlüğe girmiş bulunan 3. Sahaneli hakkındaki Milletlerarası Sözleşme hükümlerine ve özellikle bu Sözleşmenin 3 üncü maddesinde düzenlediği üzere Kıta Sahilindeki sular ile hava statüsüne ve sözleşmenin 5/1. maddesindeki ilkök ve ilmi araştırmalar hususundaki kaidelere riayet etmek şartıyla ve Petrol Kanununu ruhsatname tedvilin tahdidli ile ilgili hükmünde ve Petrol Kanunları uygulanmak üzere, 6326 sayılı Petrol Kanununun 3 üncü maddesinin 3 üncü fıkrasının (b) bendi ile 5/4/1973 tarihli ve 1702 sayılı Petrol Reformu Kanunu ile değişik aynı maddenin (a) bendinde yazılı tarife uygun petrol ameliyatı yapılmasına izin verilmiştir; Diğeri Bakanlığınca, Gencikurmay Basenliknün uygun şartlarına dayanan 3 üncü ve Tabii Kamekcar Bakanlığının 13/3/1974 tarihli ve 37-494/01079 sayılı yazıları üzerine, sörfü edilen Kanunun 45 üncü maddesinin 1702 sayılı

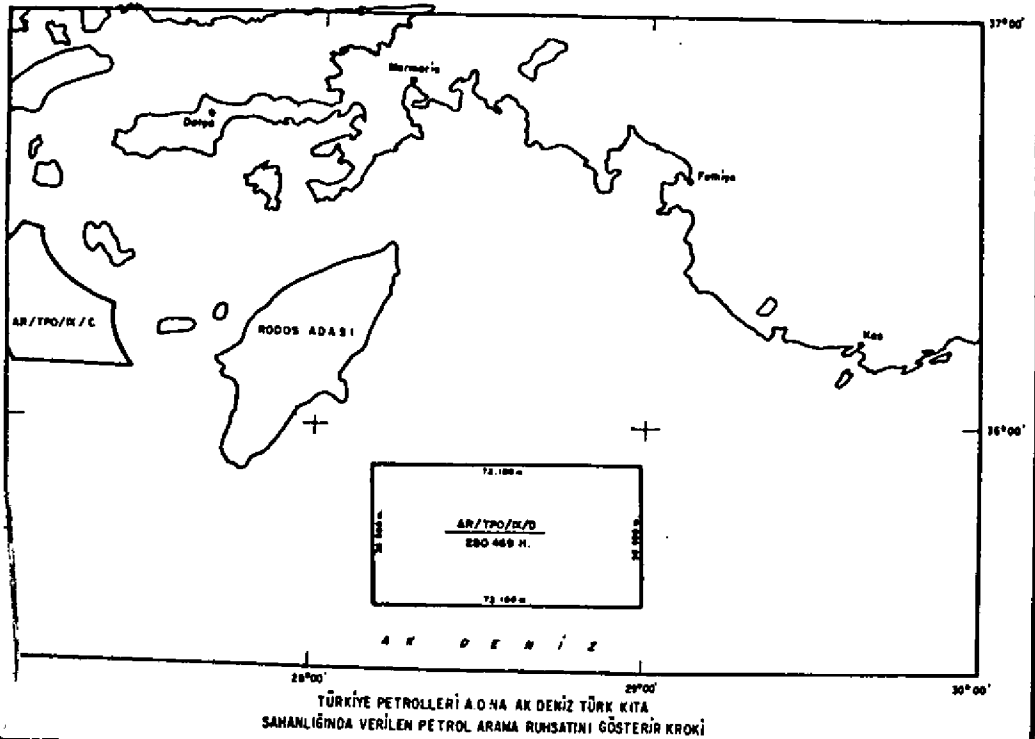
Başbakan B. SÇEVİT	Devlet Bakanı Dışişleri Yardımcısı Prof. Dr. N. ERBAKAN	Devlet Bakanı O. EYÜBOĞLU	Devlet Bakanı İ. H. BİRLER
Devlet Bakanı S. A. EMRE	Adalet Bakanı S. KAZAN	Millî Savunma Bakanı H. İSİK	
İçişleri Bakanı O. ASILTÜRK	Dışişleri Bakanı Prof. Dr. T. GÜNEŞ	Malîye Bakanı Doç. Dr. D. BAYKAL	
Millî Eğitim Bakanı M. ÜSTÜNDAG	Beynülmiktârî Bakanı E. CEVİKCE	Ticaret Bakanı F. ADAK	
Sağ. ve Şen. Y. Bakanı S. CİZRELİOĞLU	Cüm. ve Tekel. Bakanı M. TÜRKMEHOĞLU	Gıda - Tarım ve Hayv. Bakanı Prof. K. ÖZAL	
Ulaştırma Bakanı F. GÜLEY	Çalışma Bakanı O. SAY	Sanayi ve Tef. Bakanı A. DOĞRU	
Enj. ve Tab. Kuv. Bakanı C. KAYRA	Turizm ve Tan. Bakanı O. BİRGİT	İmar ve İskân Bakanı A. TOPUZ	
Köy İle ve Kırp. Bakanı M. OK	Orman Bakanı A. SENER	Genç. ve Spor. Bakanı M. Y. MİETE	



disch : 1/200 000

Publication of the Official Turkish Gazette in its issue of 18 July 1974 showing new oil concessions granted by the Turkish Government to the Turkish Petroleum Company. The concessions were granted in accordance with decision No. 7/8594 of the Turkish Government.



**Karar Sayısı : 7/8594**

Ege Denizinde ve Akdenizde I ve IX numaralı petrol bölgelerinin ve karasularımızın dışında ve Türk Kıt'a Sahaneliğinde bulunan ve ekli haritalarda hudutları tespit olunan sahalarda (Açık deniz suları ve bu suların üstündeki hava sahası ile balıkçılık ve limi araştırmalar hususundaki devletlerarası hukuk kurallarına riayet etmek şartıyla) 1702 sayılı Petrol Reformu Kanunu ile değişik 6328 sayılı Petrol Kanununun arama ruhsatları ile ilgili miktar, genişlik ve şekle ait hükümleri dışındaki diğer hükümleri uygulanmak üzere Türkiye Petrolleri Anonim Ortaklığına bloklar halinde 4 adet petrol arama ruhsatnamesi verilmesi, 24/9/1973 tarihli ve 7/7217 sayılı Kararnameye dayanılarak 1 Kasım 1973 tarihli Resmî Gazete'de nesredilen harita hudutlarının ve hudutlar üzerinde yazılı ibarelerin ekli haritada olduğu şekilde değiştirilmesi; Değişleri Bakanlığının ve Genelkurmay Başkanlığının uygun görüşlerine dayanarak Enerji ve Tabii Kaynaklar Bakanlığının 1/7/1974 tarihli ve 27-628/05260 sayılı yazıları üzerine, sözü edilen Kanunun 45. maddesinin 1702 sayılı Kanunun 20. maddesi ile değişik 9. fıkrasına göre, Bakanlar Kurulunca 2/7/1974 tarihinde kararlaştırılmıştır.

**CUMHURBAŞKANI
FAHRI S. KURUÖZÜK**

Başbakan B. ECEVİT	Devlet Bakanı Başbakan Yardımcısı Prof. Dr. N. ENBAKAN	Devlet Bakanı O. EYOĞLU	Devlet Bakanı I. H. BİKLER
Devlet Bakanı S. A. EMRE	Adalet Bakanı S. KAZAN	Millî Servisler Bakanı H. İSİK	
İçişleri Bakanı O. ASILTÜRK	Değişleri Bakanı Prof. Dr. T. GÜNEŞ	Malîye Bakanı Doc. Dr. U. BAYKAL	
Millî Eğitim Bakanı M. ÖSTÜNDAG	Beslendirmek Bakanı E. ÇEVİKCE	Ticaret Bakanı F. ADAR	
Sağ. ve Sos. Y. Bakanı S. CİZRELİOĞLU	Güm. ve Tekel Bakanı M. TÜRKMEÑOĞLU	Gıda - Tarım ve Hay. Bakanı Prof. K. ÖZAL	
Ulaştırma Bakanı F. GÜLEY	Çalışma Bakanı O. SAY	Sanayi ve Tek. Bakanı A. DOĞRU	
En. ve Teh. Kav. Bakanı K. KAYRA	Tarım ve Jan. Bakanı O. BİRGİT	İmar ve İşlet. Bakanı A. TOPUZ	
Kör İş. ve Koop. Bakanı M. OK	Orman Bakanı A. SENER	Genç. ve Spor Bakanı V. O. BİRGİT	

Map:
Aegean Archipelago
[Attached]



HELLENIC HYDROGRAPHIC SERVICE

AEGEAN ARCHIPELAGO

LEGEND

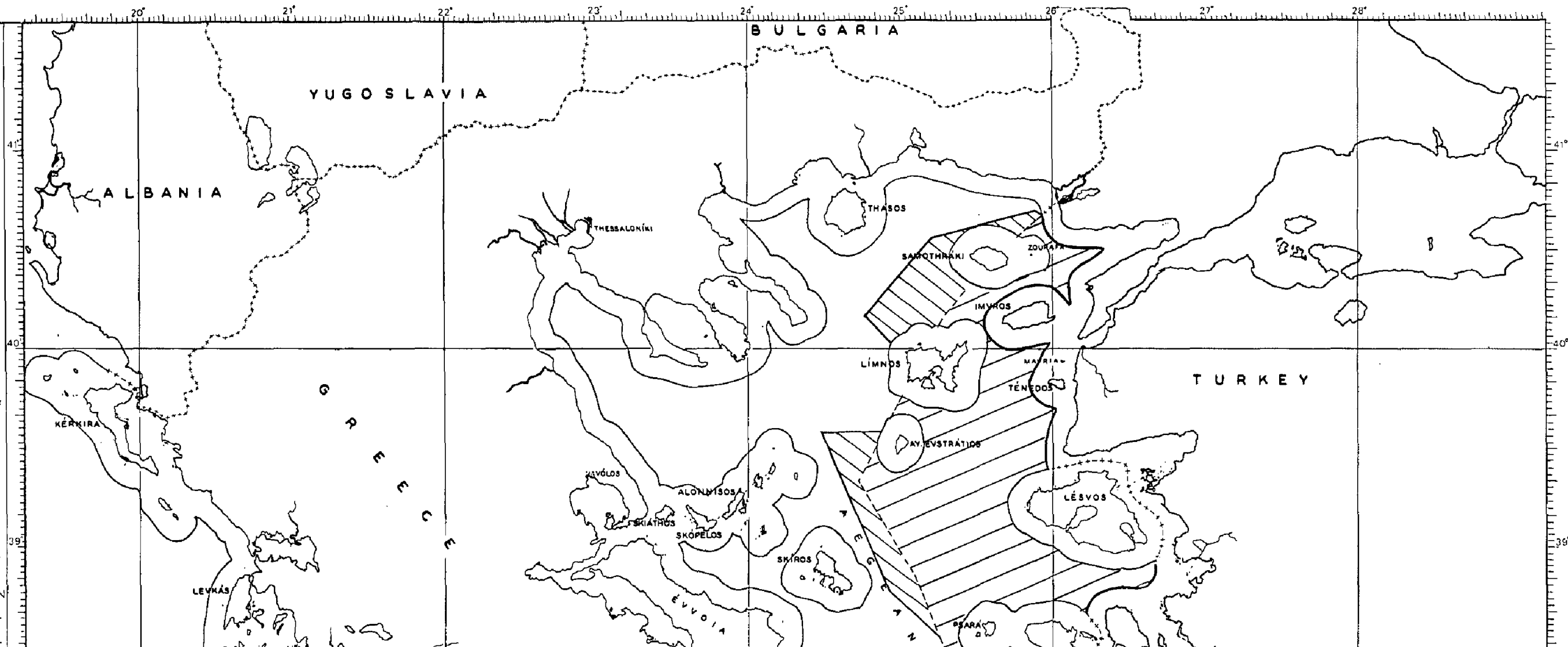
— Outer limits of Hellenic territorial sea
(Breadth 6 N.Miles)

— Outer limits of Turkish territorial sea
(Breadth 6 N.Miles)

(The above limits are drawn with the method of normal baseline. Bays were closed by straight baseline, up to a length of 10 N.Miles).

++-+- Limiting lines of Hellenic-Turkish and Hellenic-Albanian territorial seas, drawn according to the principle of median line. South of SAMOS island, the line is drawn according to Italy-Turkey bilateral agreement 1932 and the Paris Convention of Peace 1947.

--- LIMITING LINES OF THE CONTINENTAL SHELF UNILATERALLY DECLARED BY TURKEY ON NOVEMBER 1st 1973 AND ON JULY 18th 1974 RESPECTIVELY NOT TAKING INTO ACCOUNT THE CONTINENTAL



[illegible]

Annex II

OFFICIAL CORRESPONDENCE EXCHANGED BETWEEN GREECE AND TURKEY

1. Greek Note Verbale, 7 February 1974

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES
F. 6243-29/AS 103

NOTE VERBALE

The Ministry for Foreign Affairs presents its compliments to the Embassy of Turkey and has the honour to bring to its knowledge the following:

The Official Turkish Gazette published in its issue of 1 November 1973 the text of an official Announcement of the Turkish Government granting as of 18 October 1973 twenty-seven exploration permits for petroleum in the Aegean Sea to the Turkish Petroleum Company westward of Greek islands over a part of the seabed whose boundary lines are depicted on a chart attached to the Announcement and published on page 29 of the said issue of the Official Gazette.

The above part of the seabed and subsoil thereof as depicted by straight lines of the said chart appertains to a very large extent both under the provisions of the Geneva Convention on the Continental Shelf of 29 April 1958 and the relative Greek Laws 142/1969 and 1182/1972 to the Greek islands Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios, Psara and Antipsara. On the seabed and subsoil of these islands Greece exercises sovereign rights with respect to the exploration of the seabed and the exploitation of its natural resources. On the basis of its sovereign rights as prescribed under Articles 1 (b) and 2 of the 1958 Geneva Convention, which codified international law on the subject, Greece has granted since 1961 exploration permits for petroleum in the Aegean Sea westward of the above mentioned Greek islands in the same parts of the seabed as depicted in the Turkish Gazette chart.

In view of the fact that in the above chart the continental shelf between Greece and Turkey is delimited by taking as base lines the continental parts of the State territory, irrespective of the existence of islands, the Greek Government would like to reiterate in this connection that in Article 1, paragraph (b), of the 1958 Geneva Convention the continental shelf of islands is defined in the same way as for other territories. This means that international law concerning the delimitation of the continental shelf is as a general rule the same for islands as for the State as a whole.

The Geneva Convention in this respect as well as international jurisprudence is harmonized with conventional and customary international law which provides that the delimitation of the continental shelf follows the

same principles irrespective of the continental or insular character of the territory. International law as developed by international practice and particularly by the agreements on the delimitation of continental shelf leaves no ambiguity to the effect that islands, as any other part of the coast, are entitled to have full seabed area.

Furthermore, the delimitation of the continental shelf is based both in theory and practice of international law on the principle of equidistance as provided in Article 6, paragraph 1, of the Geneva Convention. In narrow waters where two or more States are opposite each other or adjacent to each other the question of delimitation of the continental shelf in the absence of agreement—and unless another solution is justified by special circumstances—the boundary is always determined by the median line. In the *North Sea Continental Shelf* case the International Court of Justice held in paragraph 57 of its Judgment that a median line delimitation between opposite States will be always an equitable shelf division.

The Greek Government, noting that the Greek islands of Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios, Psara and Antipsara form an integral part of the Greek State and that the territorial sovereignty over these islands extends according to international law to their seabed and subsoil as well as to their continental shelf for the purpose of exploring it and exploiting its natural resources, wishes to advise the Turkish Government that Greece reserves her full sovereign rights over the continental shelf and subsoil adjacent to the coasts of the above islands for the purpose of exploring it and exploiting its natural resources and consequently can not recognize the validity of the Turkish Government's action to grant exploration permits westward of the said Greek islands.

Finally, the Greek Government wishes to make it known that the sovereign rights for the purpose of exploring and exploiting the natural resources of the said islands are exclusive, under Article 2, paragraphs 2 and 3, of the 1958 Geneva Convention

“... in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State [and that] The rights of the coastal State over the continental shelf do not depend on occupation, effective or national, or any express proclamation”.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Turkey the assurance of its highest consideration.

Athens, 7 February 1974.

TO THE EMBASSY OF TURKEY
EN VILLE

2. Note verbale turque, 27 février 1974

AMBASSADE DE TURQUIE

N° 183/39

NOTE VERBALE

L'ambassade de Turquie présente ses compliments au ministère des affaires étrangères et, en réponse à sa note verbale n° F. 6243-29/AS 103 du 7 février 1974 et conformément aux instructions reçues, a l'honneur de porter à sa connaissance ce qui suit:

Les permis d'exploration de pétrole dans la mer Egée, faisant l'objet de la note susmentionnée, ont été accordés par le Gouvernement turc après une considération soigneuse des conditions juridiques et en tenant dûment compte des règles de droit international régissant la matière, notamment des dispositions de la Convention de Genève de 1958 sur le plateau continental et de l'arrêt rendu le 20 février 1969 par la Cour internationale de Justice dans les affaires du *Plateau continental de la mer du Nord* entre la République fédérale d'Allemagne et les Royaumes du Danemark et des Pays-Bas.

Une étude géomorphologique du fond de la mer Egée, à la lumière des règles précitées, prouve, en effet, l'existence de vastes espaces sous-marins peu profonds tout au long et au large de la côte turque, qui constituent le prolongement naturel de la presqu'île anatolienne et, partant, son plateau continental, tandis que les îles grecques situées tout près de la côte turque ne possèdent pas de plateau propre. Or, le droit relatif au plateau continental ne découle pas uniquement et nécessairement de la souveraineté exercée sur un territoire. La configuration du fond de la mer qui baigne ou entoure le territoire en question est un des éléments essentiels pour l'établissement d'un tel droit. La Cour internationale de Justice souligne clairement l'importance de cet élément quand elle déclare, dans son arrêt, que:

«c) pour les raisons exposées aux paragraphes 43 et 44, le plateau continental de tout Etat doit être le prolongement naturel de son territoire et ne doit pas empiéter sur ce qui est le prolongement naturel du territoire d'un autre Etat» (paragraphe 85 *in fine*).

Le Gouvernement turc ne pourrait adhérer, d'autre part, à l'opinion suivant laquelle la délimitation du plateau continental serait basée, en théorie comme en droit, sur le principe de l'équidistance. Bien au contraire, la méthode essentielle de délimitation du plateau continental entre deux Etats dont les côtes se font face n'est pas l'équidistance, mais l'accord entre ces Etats. Le texte de la Convention de Genève aussi bien que la jurisprudence établie par l'arrêt précité de la Cour internationale ne considèrent, en effet, le principe de l'équidistance qu'en troisième place, à défaut d'accord, et à moins que des circonstances spéciales ne justifient une autre délimitation. Or, aucune initiative en vue de la conclusion d'un accord pour la délimitation du plateau continental entre les deux pays n'a été prise jusqu'à présent, tandis que le Gouvernement grec aurait commencé, d'après la note ministérielle, à accorder des permis d'exploration de pétrole dans la mer Egée depuis bientôt quinze ans.

Pour se convaincre de la justesse du point de vue qui vient d'être brièvement exposé, il suffit de se référer aux nombreux paragraphes de l'arrêt de la Cour

consacrés à l'examen du principe de l'équidistance, dont les passages suivants sont extraits à titre d'exemples :

« La notion d'équidistance ne peut manifestement pas être identifiée à celle d'extension ou de prolongement naturel; car, comme on l'a déjà vu au paragraphe 8, l'emploi de la méthode de l'équidistance aurait souvent pour résultat d'attribuer à un Etat des zones prolongeant naturellement le territoire d'un autre Etat lorsque la configuration côtière du premier fait dévier latéralement la ligne d'équidistance et ampute le second de zones situées juste devant sa façade maritime. » (Paragraphe 44 *in fine*.)

« La raison essentielle pour laquelle la méthode de l'équidistance ne peut être tenue pour une règle de droit est que, si elle devait être appliquée obligatoirement en toutes situations, cette méthode ne correspondrait pas à certaines notions juridiques de base qui, comme on l'a constaté aux paragraphes 48 et 55, reflètent depuis l'origine l'*opinio juris* en matière de délimitation; ces principes sont que la délimitation doit être l'objet d'un accord entre les Etats intéressés et que cet accord doit se réaliser selon des principes équitables » (extrait du paragraphe 85).

Il y a lieu de faire remarquer ici qu'au paragraphe 57 de l'arrêt, mentionné dans la note du ministère, la Cour n'émet pas un avis qui soit en contradiction avec ce qui vient d'être relaté; elle s'y attache simplement à expliquer les raisons des difficultés, moindres ou plus importantes, éprouvées par la Commission du droit international des Nations Unies lors de l'élaboration des règles relatives à la délimitation du plateau continental dans les deux cas d'Etats limitrophes et d'Etats dont les côtes se font face, par la ligne latérale et par la ligne médiane respectivement.

Quant au rôle qui reviendrait aux îles mentionnées dans la note ministérielle en vue d'une délimitation, leur cas doit, de l'avis du Gouvernement turc, être considéré avant tout en conformité avec la notion même de plateau continental telle qu'elle a été définie par la Convention de Genève et l'arrêt de la Cour internationale de Justice.

La situation particulière des îles en question est un deuxième élément majeur du problème. Malgré le libellé nécessairement général et par conséquent vague des dispositions de la Convention de Genève, les règles établies par la pratique internationale, ainsi qu'en témoignent plusieurs accords déjà intervenus, interdisent, en effet, l'octroi d'une égale valeur à toutes les îles sans tenir compte de leurs caractéristiques et de leur situation particulière quand il s'agit de la délimitation du plateau continental. Or, aussi bien les îles en question que l'ensemble de la mer Egée — lieu de rencontre géographique de tant d'intérêts importants et historiquement établis de la Turquie et par son caractère de mer semi-fermée — constituent un exemple typique de « circonstances spéciales » et doivent, à ce titre, être traitées d'une façon appropriée en vue de l'application des règles du droit international maritime.

En conclusion de ce qui précède, et tout en réservant ses droits légitimes, le Gouvernement turc estime qu'il serait opportun de rechercher par voie d'accord une solution conforme aux règles du droit international pour les problèmes qui se posent relativement aux eaux communes de la mer Egée, ceci afin de prévenir le développement d'une situation qui pourrait entraîner des conséquences préjudiciables aux intérêts mutuels et relations d'amitié et de bon voisinage entre les deux pays.

L'ambassade de Turquie saisit l'occasion de cette communication pour réitérer au ministère des affaires étrangères les assurances de sa plus haute considération.

Athènes, le 27 février 1974.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
EN VILLE

3. Greek Note Verbale, 24 May 1974

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES

F. 6243.11/44/AS 812

The Ministry for Foreign Affairs present their compliments to the Embassy of Turkey and, with reference to the Embassy's Note No. 183/39, dated 27 February 1974, have the honour to inform them that, while reserving all their rights under international law and their position as stated in their Note No. F. 6243-29/AS 103 of 7 February 1974, the Hellenic Government are not opposed to a delimitation of the continental shelf between the two countries based on the provisions of present day positive international law, as codified by the 1958 Geneva Convention on the Continental Shelf.

The Ministry for Foreign Affairs avail themselves of this opportunity of reiterating to the Embassy of Turkey the assurances of their highest consideration.

Athens, 24 May 1974.

TO THE EMBASSY OF TURKEY
ATHENS

4. Réponse turque, 5 juin 1974

AMBASSADE DE TURQUIE

N° 543/131

L'ambassade de Turquie présente ses compliments au ministère des affaires étrangères et, se référant à sa note n° F. 6243.11/44/AS 812 du 24 mai 1974, a l'honneur de lui faire savoir que le Gouvernement turc a pris bonne note de la communication suivant laquelle le Gouvernement hellénique n'est pas opposé à sa proposition de rechercher par voie d'accord une solution au problème du plateau continental.

Le Gouvernement turc tient à réaffirmer, à cette occasion, qu'il est fermement convaincu que l'intérêt bien compris des deux nations amies fait un devoir pour leurs gouvernements de déployer tous les efforts afin d'apporter des solutions concertées aux différentes questions qui se posent en raison de leur voisinage dans la mer Egée.

Vu ce qui précède, et tout en réservant ses droits légitimes et sa position telle qu'elle a été définie par la note n° 183/39 du 27 février 1974, le Gouvernement turc déclare être prêt à entamer les négociations pour la délimitation du plateau continental entre les deux pays, dans le cadre des règles du droit international, à la date qui sera indiquée par le Gouvernement hellénique en tenant compte de l'importance et de l'urgence du problème.

Cette ambassade saisit l'occasion de réitérer au ministère des affaires étrangères les assurances de sa plus haute considération.

Athènes, le 5 juin 1974.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
EN VILLE

5. *Greek Note Verbale, 14 June 1974*

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES
F. 6243/109/AS 1061

The Ministry for Foreign Affairs present their compliments to the Embassy of Turkey and have the honour to advise them as follows:

1. By Note Verbale No. F. 6243-29/AS 103 dated 7 February 1974 the Ministry informed the Embassy that the Greek Government, for the reasons stated therein, reserved their

"full sovereign rights over the continental shelf and subsoil adjacent to the coasts of the above islands [Samothrace, Limnos, Aghios Eustratios, Lesvos, Chios, Psara and Antipsara] for the purpose of exploring it and exploiting its natural resources and consequently can not recognize the validity of the Turkish Government's action to grant exploration permits [of the continental shelf] westward of the said Greek islands".

2. On 29 May 1974, the Turkish naval research vessel *Candarli* (No. 593) escorted by several Turkish warships, sailed, without seeking or obtaining the consent of the Greek Government under Articles 2, paragraph 2, or 5, paragraph 8, of the Geneva Convention of 29 April 1958 on the Continental Shelf, into waters superjacent in whole or in part to the continental shelf of the islands: Limnos, Aghios Eustratios, Lesvos, Skyros, Psara, Antipsara and Chios, with the aim, clearly and unequivocally stated by Turkish Cabinet members, of exploring the natural resources of said continental shelf (statements by Turkish Energy Minister, Mr. Kayra, of 29 and 30 May 1974).

3. On 4 June 1974, an official release of the Turkish Government followed by a statement of the spokesman of the Turkish Foreign Ministry, Mr. Semih Akbil, announced that the Turkish research vessel *Candarli* had returned to base after carrying out all its tasks, which, according to Energy Minister, Mr. Kayra, were magnetometrical in nature (statement of 29 May 1974).

4. The aforementioned statements of Turkish Cabinet Ministers and offi-

cials concerning the mission assigned and carried out by the naval research vessel *Candarli* constituting an admission of violation of the exclusive sovereign rights of Greece under Articles 1 (b), 2 (1) and 2 (2) of the Convention on the Continental Shelf signed at Geneva on 29 April 1958, the Hellenic Government hereby lodge a vigorous protest with the Turkish Government and reiterate that they reaffirm and reserve all their rights over the continental shelf of the Greek islands opposite the Turkish coast under the provisions of the relevant Geneva Convention of 1958.

The Ministry for Foreign Affairs avail themselves of the opportunity of reiterating to the Embassy of Turkey the assurances of their highest consideration.

Athens, 14 June 1974.

EMBASSY OF TURKEY
EN VILLE

6. Réponse turque, 4 juillet 1974

AMBASSADE DE TURQUIE
N° 653/167

L'ambassade de Turquie présente ses compliments au ministère des affaires étrangères et, se référant à sa note n° F. 6243/109/AS 1061 du 14 juin 1974, a l'honneur de lui faire savoir que le Gouvernement de la République de Turquie ne peut accepter la protestation du Gouvernement hellénique au sujet de prétendues violations du plateau continental hellénique par le bâtiment de recherche turc *Candarli* étant donné que cette protestation est dénuée de tout fondement.

En effet, *Candarli* a effectué récemment des recherches dans le plateau continental turc conformément aux règles du droit international et des recherches semblables continueront selon le programme de recherche pétrolière des concessionnaires.

D'autre part, la différence de point de vue exprimée par le Gouvernement hellénique dans la note susmentionnée est, de l'avis du Gouvernement turc, une indication de plus de la nécessité et de l'urgence de la solution du problème de la délimitation du plateau continental entre les deux pays, par voie d'accord mutuel et conformément aux règles du droit international, comme il a été souligné dans la note n° 543/131 du 5 juin 1974 de cette ambassade.

L'ambassade de Turquie saisit cette occasion pour renouveler au ministère des affaires étrangères les assurances de sa plus haute considération.

Athènes, le 4 juillet 1974.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
EN VILLE

7. Greek Note Verbale, 22 August 1974

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES

No. F. 6243/115/AS 1917

The Ministry of Foreign Affairs present their compliments to the Embassy of Turkey and have the honour to advise them as follows:

1. By Note Verbale No. F. 6243-29/AS 103 dated 7 February 1974, the Ministry informed the Embassy that the Greek Government, for the reasons stated therein, reserved their sovereign rights over the continental shelf and the subsoil of the islands Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios, Psara and Antipsara for the purpose of exploring it and exploiting its natural resources.

2. By Note Verbale No. 6243/109/AS 1061 dated 14 June 1974, the Ministry informed the Embassy that the Greek Government reiterated that they reaffirmed and reserved all their sovereign rights over the continental shelf of the Greek islands opposite the Turkish coast under the provisions of the relevant Geneva Convention of 29 April 1958, i.e., Articles 1 (*b*), 2 (2) or 5 (8).

3. Following the above-mentioned Notes the Greek Government have been informed with regret that a new decision of the Turkish Government No. 7/8594, dated 2 July 1974, has been published in the Official Turkish Gazette in its issue No. 14949 of 18 July 1974 (pp. 1-3), by which exploration permits for petroleum "en bloc" are granted to the Turkish Petroleum Company in the Aegean Sea, westward of Greek islands over a part of their seabed, whose boundary lines are depicted on a new Chart attached to the decision and published on pages 2 and 3 of the said issue of the Official Gazette, dated 18 July 1974.

4. The Greek Government wish to make it known once again that the sovereign rights for the purpose of exploring and exploiting the natural resources of the said islands' continental shelf are exclusive, under Article 2, paragraphs 2 and 3, of the 1958 Geneva Convention and the general principles of international law on this matter, in the sense that even if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

5. Consequently the Greek Government hereby lodge a vigorous protest with the Turkish Government and reiterate that they reject such unilateral acts and declare that Greece does not recognize any validity of the above Turkish Government's actions, which are obviously in contradiction to the rules of international law and against the sovereign rights of Greece on the continental shelf.

The Ministry of Foreign Affairs avail themselves of this opportunity to renew to the Embassy of Turkey the assurances of their highest consideration.

Athens, 22 August 1974.

TO THE TURKISH EMBASSY
EN VILLE

8. Turkish Reply, 16 September 1974

836/226

The Embassy of Turkey presents its compliments to the Ministry of Foreign Affairs and, with reference to their Note No. F. 6243/115/AS 1917 of 22 August 1974, has the honour to inform them that the Government of the Republic of Turkey find the protest of the Greek Government on the subject of the exploration permits granted to the Turkish Petroleum Company in the Aegean Sea unacceptable, since the said areas are part of the Turkish continental shelf. For the same reason they consider that the Greek claims on the above-mentioned areas are without any legal foundation.

The Turkish Government would once more like to reiterate their statement, according to which a mutually acceptable solution to the problems of delimiting the sea areas of the Aegean, whose opposite coasts both countries share, should be reached through negotiations. They note with regret the attempts of the Government of Greece to impose one-sided solutions to the problems that can only be solved bilaterally, especially in an area such as the Aegean, whose unique geographical configuration and geologic structure are accepted facts.

The Embassy of Turkey avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Athens, 16 September 1974.

THE MINISTRY OF FOREIGN AFFAIRS
ATHENS

9. Greek Note Verbale, 27 January 1975

EMBASSY OF GREECE
ANKARA

No. 6242.4/53/AS 293

NOTE VERBALE

The Greek Embassy present their compliments to the Ministry for Foreign Affairs and with reference to the exchange of Notes regarding the continental shelf in the Aegean, they have the honour to advise the Ministry as follows:

They wish to remind the Ministry that by Note No. 6243.11/44/AS 812 of 24 May 1974 the Greek Government had declared that, while reserving their position, they were not opposed to a delimitation of the continental shelf between the two countries, based on the provisions of present day positive international law as codified by the Convention on the Continental Shelf, signed at Geneva in 1958.

The Turkish Government stated in response that they were willing to discuss the matter in the framework of the rules of international law.

However, the Turkish Government's position according to which "the Greek islands sited near the Turkish coast have no continental shelf of their own"—a position reiterated on 16 September 1974—raises considerable

doubts as to the inclusion of all the provisions of said Convention on the Continental Shelf in their concept of the "rules of international law".

In view of the foregoing and taking into additional consideration most recent authoritative clarifications given to the Greek Ambassador in Ankara to the effect that the Turkish Government is animated by a spirit of conciliation, the Greek Government propose that the differences over the applicable law as well as over the substance of the matter be referred to the International Court of Justice. Indeed, the Greek Government, without prejudice to their right to initiate Court proceedings unilaterally, would see considerable advantage in reaching jointly with the Turkish Government a special agreement under which reference to the Court might be made, as befits two neighbouring countries and fellow-Members of the United Nations Organization.

The Greek Embassy would be most obliged to the Ministry for Foreign Affairs if they could advise them in due time of the Turkish Government's views on this proposal.

The Embassy avail themselves of the opportunity of reiterating to the Ministry the assurances of their highest consideration.

Ankara, 27 January 1975.

TO THE MINISTRY OF FOREIGN AFFAIRS
ANKARA

10. Turkish Reply, 6 February 1975

MINISTRY OF FOREIGN AFFAIRS
ANKARA

No. 754.537-SIGM/SIMD/3-31

The Ministry of Foreign Affairs presents its compliments to the Embassy of Greece and, with reference to their Note of 27 January 1975, No. 6242.4/53/AS 293, regarding the delimitation of the continental shelf in the Aegean Sea, has the honour to set forth the view of the Turkish Government for transmission to the attention of the Greek Government herebelow.

The Ministry of Foreign Affairs welcomes the spirit of conciliation of Greece regarding its proposal to settle the dispute on the delimitation of the Aegean continental shelf through peaceful means.

It is the considered view of the Turkish Government that various vital questions concerning the Aegean Sea are still outstanding between Greece and Turkey, which should be resolved through peaceful means. As Turkey and Greece are compelled to be friendly and co-operative by virtue of geography and mutual interests, there seems to be no other alternative but to settle their disputes through negotiation.

Animated with this spirit and in view of the special geographic structure of the Aegean Sea, wherein both countries are confronted with issues to be settled yet, *inter alia* the breadth of the territorial seas in the Aegean and the use of its airspace, the Turkish Government hopes that the Government of Greece shall agree, with priority, to enter into negotiations with the Govern-

ment of the Republic of Turkey on the question of the Aegean continental shelf with a view to arriving at a mutually acceptable and satisfactory solution.

Indeed, Turkey had proposed on various occasions the initiation of negotiations between the two countries, with the aim of solving the differences on the Aegean continental shelf peacefully, in a just and equitable manner. It should be noted regretfully that these Turkish proposals were not met by Greece and negotiations were thus prevented. There is no doubt that meaningful negotiations constitute a basic method for the settlement of international disputes. In view of the fact that such negotiations have not yet taken place, the issues relating to the disputes have neither been fully identified nor elucidated.

However, in principle, the Turkish Government favourably considers the Greek Government's proposal to refer the dispute over the delimitation of the Aegean continental shelf jointly to the International Court of Justice. To this effect and to elaborate the terms under which the matter shall be referred to the said Court, Turkey proposes high-level talks to be initiated between the two Governments. The Turkish Government is of the opinion that the political nature and vital importance of the matter necessitates that these talks be held at ministerial level.

The Ministry of Foreign Affairs avails itself of the opportunity of reiterating to the Embassy of Greece its highest consideration.

Ankara, 6 February 1975.

EMBASSY OF GREECE
ANKARA

11. Greek Note Verbale, 10 February 1975

EMBASSY OF GREECE
ANKARA

No. 6242.44/20/AS 489

NOTE VERBALE

.....

Referring to Note Verbale No. 754.537-SIGM/SIMD/3-31 dated 6 February 1975, addressed by the Ministry of Foreign Affairs of Turkey to the Greek Embassy in Ankara, the Greek Government note with satisfaction that the Turkish Government accept in principle their proposal that the question of the delimitation of the continental shelf of the Aegean Sea be submitted jointly to the International Court of Justice in The Hague.

The Greek Government agree that, following suitable preparation, talks should be held in order to draft the terms of the special agreement (*compromisum*) required to that effect.

Should the Turkish Government desire that the delegations of the two

countries at the first stage of the talks be led by Ministers, the Greek Government would have no objection.

.....

Ankara, 10 February 1975.

TO THE MINISTRY OF FOREIGN AFFAIRS
ANKARA

Annex III

1. Communiqué conjoint, Rome, 19 mai 1975

Les ministres des affaires étrangères de Turquie et de Grèce se sont rencontrés à Rome du 17 au 19 mai 1975 accompagnés de leurs experts.

Les questions relatives au plateau continental de la mer Egée ont été discutées et une première étude d'un texte de compromis concernant la soumission de l'affaire devant la Cour internationale de Justice a eu lieu.

A cette occasion les deux ministres ont passé en revue toutes les questions qui intéressent directement les relations entre les deux pays.

La continuation des rencontres des experts dans un proche avenir a été convenue.

Les entretiens des deux ministres se sont déroulés dans une atmosphère de bonne volonté et un commun désir d'aplanir leurs différends.

Les deux ministres ont convenu de se reconfronter de nouveau à Bruxelles à la fin de ce mois.

Rome, le 19 mai 1975.

2. Communiqué conjoint, Bruxelles, 31 mai 1975

Au cours de leur rencontre les deux premiers ministres ont eu l'occasion de procéder à l'examen des problèmes qui conduisirent à la situation actuelle les relations de leurs pays.

Ils ont décidé que ces problèmes doivent être résolus pacifiquement par la voie des négociations et concernant le plateau continental de la mer Egée par la Cour internationale de La Haye. Ils ont défini les lignes générales sur la base desquelles auront lieu les rencontres prochaines des représentants des deux gouvernements.

A cet égard ils ont décidé d'accélérer la rencontre d'experts concernant la question du plateau continental de la mer Egée, ainsi que celle des experts sur la question de l'espace aérien.

Les deux premiers ministres se sont trouvés d'accord que de part et d'autre des efforts soient faits aux fins de la création et du maintien d'un bon climat dans les relations entre la Grèce et la Turquie de sorte que les problèmes existants puissent être résolus et que les deux pays soient amenés au rétablissement de leur coopération à leur avantage mutuel.

Enfin, les deux premiers ministres se sont trouvés d'accord pour apporter leur appui aux négociations intercommunautaires de Vienne.

Bruxelles, le 31 mai 1975.

*3. Turkish Proposal for a Joint Statement to the Press,
September 1975*

In accordance with the agreement reached between the Foreign Ministers of Turkey and Greece in Rome in May 1975, which was later reaffirmed by Prime Minister Demirel and Prime Minister Caramanlis, the Turkish and Greek delegations of experts shall meet for the first time between 25 and 27 September 1975 in Paris to discuss the question of mutual interest concerning the Aegean continental shelf areas and related problems between the two countries. The eight-member Turkish delegation will be headed by the Turkish Ambassador to Berne, Prof. Dr. Suat Bilge, and the Greek delegation by Ambassador J. Tzounis.

Annex IV*1. Turkish Note Verbale, 30 September 1975*

MINISTRY OF FOREIGN AFFAIRS
ANKARA

No. 754.537/SIGM/SIMD/3-248

The Ministry of Foreign Affairs presents its compliments to the Embassy of Greece and in view of the recent difficulties encountered in realizing the long expected meeting of Turkish and Greek experts to examine the question of the Aegean continental shelf, has the honour to bring the following to their attention:

The Turkish Government has proposed on many occasions that the dispute over the Aegean continental shelf be resolved through negotiations between the two countries, as this has always been the policy of the Turkish Government. The Turkish Government considers that unilateral actions in this field will only create new problems rather than solving existing ones.

In accordance with this general policy, this Ministry, in its Note number 754.537-SIGM/SIMD/3-31 of 6 February 1975, while proposing that the questions between Turkey and Greece relating to the Aegean continental shelf be solved through bilateral negotiations, at the same time indicated that Turkey did not object to the Greek proposal to submit the dispute to the International Court of Justice, provided that this could be done with the explicit consent of both parties.

In conformity with the proposal contained in the said Note a meeting was arranged on 17-19 May 1975 in Rome between the Turkish and Greek Foreign Ministers to prepare the ground for negotiations at experts level. Turkey put forth in Rome that it will not be in the interest of the two countries to submit the dispute to the International Court of Justice without first attempting meaningful negotiations, while Greece argued that the dispute be taken directly to the Court.

The Turkish Foreign Minister emphasized that the peculiarities of the Aegean Sea created complex problems. Some aspects of the continental shelf concept are yet to be established. For this reason the principles to be applied can best be determined between the countries concerned. The Turkish Foreign Minister finally suggested in Rome that the responsibility of joint exploration and exploitation of the resources of the Aegean continental shelf could also be envisaged between Turkey and Greece.

The Turkish Foreign Minister also suggested that negotiations for the delimitation of the continental shelf of the Aegean Sea should take place parallel with the preparation of a draft special agreement acceptable to both parties. This formula was finally accepted by Greece and further confirmed at the meeting which took place in Brussels on 30 May 1975 between the Prime Ministers of the two countries. In Brussels it was also decided that the two parties would initiate bilateral negotiations concerning all their problems.

Furthermore, it was also agreed upon that those issues relating to the Aegean continental shelf areas which could not be resolved by negotiations would be jointly submitted to the Court.

The above-mentioned understanding between the two parties emanated then from their common desire to resolve their dispute by way of mutual agreement, which would reconcile their respective views and positions.

However, the Greek Government, contrary to this understanding, recently attempted to reassert its previous point of view by insisting that expert level discussions envisaged to be held in Paris between 25 and 27 September 1975 should directly and exclusively be limited to the drafting of a special agreement. This position of the Government of Greece prevented the realization of the said meeting. In the opinion of the Turkish Government the Paris meeting which did not take place is a lost opportunity. At this meeting a detailed examination of all issues related to the continental shelf of the Aegean could have been embarked upon, while at the same time the joint drafting of the special agreement could have been initiated.

The Turkish Government also considers that the recent position taken by the Greek Government in this respect is not in line with the spirit of Article 33 of the Charter of the United Nations. Furthermore, concerning the delimitation of marine areas, a negotiated settlement is a specific obligation for the parties involved.

The Turkish Government reiterates once more its point of view that the best method of solving these differences is bilateral negotiations. A just and fair agreement based on equitable principles. Therefore, in accordance with this principle and in a spirit of goodwill and conciliation the Turkish Government calls upon the Greek Government to enter into meaningful negotiations as soon as possible.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Greece the assurances of its highest consideration.

Ankara, 30 September 1975.

EMBASSY OF GREECE
ANKARA

2. Greek Note Verbale, 2 October 1975

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES
F. 6243.15/190/AS 3780

NOTE VERBALE

The Ministry of Foreign Affairs present their compliments to the Embassy of Turkey and, with reference to Note No. 754.537-SIGM/SIMD/3-248 addressed on 30 September 1975 to the Greek Ambassador in Ankara by the Turkish Foreign Ministry, have the honour to state the following:

The issue of the delimitation of the continental shelf appertaining to the two countries in the Aegean was raised by the Turkish Government, when, on 1 November 1973, without prior notice to or consultation with the Greek

Government, they granted a number of oil concessions in the Aegean to the Turkish Petroleum Company (TPAO) some of which encroached upon the continental shelf of the Greek islands.

The Greek Government contested the validity in international law of these concessions, and an exchange of Notes took place in which the two Governments stated their respective positions. These being irreconcilable, the Greek Government were led to propose on 27 January 1975 that the "differences over the applicable law as well as over the substance" of the delimitation of the continental shelf be referred jointly by Greece and Turkey to the International Court of Justice.

By Note of 6 February 1975, the Turkish Government, after reiterating their preference for a negotiated settlement, for which, however, no common ground had been found, specifically agreed to the Greek proposal. The relevant passage of the Turkish Note reads as follows:

"However, in principle, the Turkish Government favourably considers the Greek Government's proposal to refer the dispute over the delimitation of the Aegean continental shelf jointly to the International Court of Justice. To this effect and to elaborate the terms under which the matter shall be referred to the said Court, Turkey proposes high-level talks to be initiated between the two Governments. The Turkish Government is of the opinion that the political nature and vital importance of the matter necessitates that these talks be held at ministerial level."

Greece acquiesced, and the matter thus seemed settled: there was agreement over referral to the International Court of Justice, there was agreement over what was to be referred to the Court, namely the delimitation of the continental shelf, there was agreement over the level of the talks and there was agreement on the object of these talks, i.e.: "to elaborate the terms under which the matter shall be referred to the Court".

That this was also the understanding of the Turkish Government of the time was confirmed by Prime Minister Irmak, in a statement to the Turkish Grand National Assembly on 3 March 1975. He said:

"The Greeks have answered positively to our proposal concerning talks prior to our going to The Hague. These [talks] did not start yet. The object of the talks will be the special agreement (*compromis*) which will define the basis of the case."

A meeting of the Foreign Ministers of Greece and Turkey was subsequently arranged in Rome on 17-19 May, which, according to the relevant joint communiqué published on 14 May in the Greek and Turkish Press, had the stated purpose of:

"...examining the modalities of submitting the question of the continental shelf of the Aegean Sea to the International Court of The Hague. The Ministers would also exchange views on other matters concerning Greco-Turkish relations."

Since the two Governments were already agreed on jointly referring the delimitation of the continental shelf to the Court, the only "modality" to be examined was the drafting of the text of the special agreement defining the Court's terms of reference.

When the two delegations met in Rome the Greek side submitted a draft text of a *compromis* for negotiation. The Turkish side stated that they were

not yet ready to discuss it and needed more time to prepare themselves. Asked whether at least they could state their legal position they avoided to do so.

They suggested however the possibility of joint exploitation of certain unspecified areas of the continental shelf. It was finally agreed between the two Foreign Ministers that a committee of experts would meet at the earliest possible date to negotiate the special agreement.

At this meeting the Turkish ideas of joint ventures could also be further explored. The Press communiqué issued after the Rome meeting read in part as follows:

"Les questions relatives au plateau continental de la mer Egée ont été discutées et une première étude d'un texte de compromis concernant la soumission de l'affaire devant la Cour internationale de Justice a eu lieu.

A cette occasion les deux ministres ont passé en revue toutes les questions qui intéressent directement les relations entre les deux pays.

La continuation des rencontres des experts dans un proche avenir a été convenue."

When the Prime Ministers of the two countries met in Brussels on 31 May 1975, it was agreed that the issue would first be formally submitted to the International Court and that talks in view of an eventual agreed solution were not excluded to follow. That International Court proceedings were the agreed choice of the two Prime Ministers for the settlement of the delimitation of the continental shelf is stated unequivocally in the joint communiqué issued by them which reads as follows in French:

"Au cours de leur rencontre les deux premiers ministres ont eu l'occasion de procéder à l'examen des problèmes qui conduisent à la situation actuelle des relations entre leurs pays.

Ils ont décidé que ces problèmes doivent être résolus pacifiquement par la voie des négociations et, au sujet du plateau continental de la mer Egée, par la Cour internationale de La Haye. Ils ont défini les lignes générales sur la base desquelles auront lieu des rencontres prochaines des représentants des deux gouvernements.

A cet égard, ils ont décidé d'accélérer la rencontre d'experts concernant la question du plateau continental de la mer Egée, ainsi que celle des experts sur la question de l'espace aérien."

Under the Brussels agreement the meeting of experts on the continental shelf was to be accelerated. Accordingly on 26 June, the Greek Government through their Ambassador in Ankara proposed that it should take place in July with a view to drafting the special agreement necessary for submitting the issue to the Court. The Turkish Government objected that time was too short for the preparation of their experts.

On 30 June the Ambassador again raised the issue personally with the Turkish Foreign Minister.

On 9 July the Greek Foreign Minister sent a message to his Turkish colleague in which, after confirming the understanding of the two Prime Ministers, he expressed the hope that an early date would be set for expert-level discussions.

On 20 August, the Greek Ambassador enquired again with the Turkish Foreign Ministry whether they could indicate "a date and venue for the

meeting of the mixed Commission, which would draft the special agreement". In order to avoid any misunderstanding on the purpose of the proposed talks, the Ambassador left an informal note with the Turkish Foreign Ministry.

It follows from the foregoing that the Turkish Government were left in no doubt whatever as to the purpose of the meeting of experts, which was finally set for 25-27 September in Paris. However when, three days before the meeting, the question arose of issuing a joint statement to the press indicating the scope of the expert-level talks, the Turkish Government submitted a text in which no mention whatever was made of the special agreement. When the Greek Ambassador objected, the Turkish side contended that the continental shelf did not exist by itself, that it was part of a wider complex of problems, that there were several ways of settling it, of which referral to the International Court was only one, and that, consequently, the terms of reference of the experts should be broad enough in order not to preclude the discussion of the wider, yet unspecified issues. It was further intimated that it might not even be necessary to go to the International Court and that in any event the Turkish Government were not in a position to state publicly at this juncture that the issue of the continental shelf would be referred to the Court.

The Greek Ambassador pointed out that the issue of the continental shelf was clearly one of delimitation, that under previous agreements this was to be settled by the International Court, that under the Brussels agreement initiation of Court proceedings would take precedence over possible talks and that in order to submit the issue to the Court it was necessary to draft a special agreement. He added that in the judgment of the Greek Government the Paris meeting ought to take place with a view to drafting a compromise, which, if agreed upon, would have a beneficial effect on the relations between the two countries. The Ambassador further said that, in order to avoid possible misunderstandings which might confuse the issues, and could have prejudicial effects, the object of the meeting should be clearly indicated in advance. However, if for reasons that the Greek Government could not understand but that were decisive in the judgment of the Turkish Government, the latter felt that the meeting should be briefly postponed, the Greek Government would accept a short postponement thereof, it being however clearly understood that they still maintained, under the Brussels agreement, that recourse to the International Court of Justice was a matter of priority and that it was necessary and urgent.

Regretfully the Turkish Government chose to postpone the meeting. The Greek Government agree that an opportunity was thus lost, but can assume no responsibility for the cancellation of the meeting. Neither can it agree that in insisting for an early referral of the issue to the highest international tribunal, they were not acting in the spirit of Article 33 of the Charter of the United Nations.

The Greek Government have repeatedly stated that they look forward to settling all their international differences by peaceful means as befits a peace-loving country and a Member of the United Nations. They could not agree more with the Turkish Government that "unilateral actions in any field only create new problems instead of solving existing ones". It is in accordance with these principles and in a spirit of friendliness and of conciliation that they call upon the Turkish Government to agree to an early drafting of the special agreement which would enable the International Court of Justice to proceed to the delimitation of the continental shelf appertaining to the two countries.

The Greek Government believe that recourse to the Court would greatly improve relations between Greece and Turkey, and would facilitate further talks of the two Governments.

In concluding, the Greek Government would like to record their surprise at the fact that the text of the Turkish Note was released to the Press almost prior to its receipt by the Greek Government, which is not in accordance with normal diplomatic practice.

The Ministry for Foreign Affairs avail themselves of this opportunity of reiterating to the Embassy of Turkey the assurances of their highest consideration.

Athens, 2 October 1975.

EMBASSY OF TURKEY
EN VILLE

3. Turkish Note Verbale, 18 November 1975

MINISTRY OF FOREIGN AFFAIRS
ANKARA

No. 754.537-SIGM/SIMD/3-284

The Ministry of Foreign Affairs presents its compliments to the Embassy of Greece and with reference to the Note No. 6243.15/190/AS 3780, dated 2 October 1975 which was delivered in Athens to the Turkish Chargé d'Affaires has the honour to bring the following to the attention of the Greek Government:

The Aegean Sea, the coasts of which are shared by Turkey and Greece, is an area that has equal importance for each of them. Both countries have vital, strategic, economic and political interests in the area. Throughout history, the Aegean and its resources have been freely and equally shared and used by the peoples of the Anatolian and the Greek peninsulas.

The present differences have arisen because the continental shelf of the Aegean has yet to be delimited. Since the emergence of the situation, the Turkish Government in its official communications, contacts and on all informal occasions has consistently pointed out that due to the extremely complex problems involved in drawing a boundary line and to the particularities of the region and its immense importance for the two countries, the delimitation of the area can only be realized jointly if an equitable solution, acceptable to both sides, is found.

The Government of Turkey, which has always aspired to the settlement of its disputes by making use of all peaceful means, was pleased to see that during the Rome meeting of the Foreign Ministers of the two countries in

May 1975, the Greek side agreed to seek a negotiated settlement of the differences, bearing also in mind the Turkish proposal for joint exploration and exploitation of resources, and to try to prepare, if necessary, a draft special agreement for the joint reference to the International Court of Justice of those aspects of the situation which, they might agree, were the points of genuine disagreement between the two sides.

The Brussels meeting of 31 May 1975 gave the Prime Ministers of Turkey and Greece a chance to reiterate the decision of their Foreign Ministers and to express their desire to solve all the problems that exist between their two countries peacefully through negotiations.

In view of the foregoing, the Government of Turkey does not share the Greek side's interpretation that the parties have already agreed to refer the dispute to the International Court of Justice without prior negotiations. For this very reason, numerous partial quotations from previous Turkish communications contained in the Greek Note of 2 October 1975, No. 6243.15/190/AS 3780, do not reflect their full context as well as that of the statement made by the former Turkish Prime Minister and the understanding reached between the two countries at the Rome and Brussels meetings.

The Turkish Government finds it essential to reiterate once more its view that the questions between Turkey and Greece relating to the Aegean continental shelf be solved through bilateral negotiations and that such negotiations are regarded as specific obligations of States by international law and practice as well as by the rulings of the International Court of Justice. With regard to this specific obligation the Court in its decision on the *North Sea Continental Shelf* case clearly states: "the Parties are under an obligation to enter into negotiations with a view to arriving at an agreement, and not merely to go through a formal process of negotiation" and "they are under an obligation so to conduct themselves that the negotiations are meaningful which will not be the case when either of them insists upon its own position without contemplating any modification of its case".

As the Government of Greece must be aware, nearly all States throughout the world presently involved in the delimitation of continental shelf areas are trying to solve their problems by bilateral or multilateral negotiations. In this context, the Government of Turkey would like to remind the Government of Greece that on various occasions as well as during the meetings held in Rome the Turkish side has emphasized that the mere exchange of notes cannot be construed as bilateral negotiations with a view to arriving at an agreement. In fact, only bilateral negotiations could render it possible for the parties to accommodate their differences in order to reach an equitable and acceptable solution. The negotiations already undertaken by Turkey and Greece on the question of the Aegean airspace, in accordance with the agreement reached between the two Foreign Ministers in Rome, constitutes a good example in this respect.

In spite of the willingness of Turkey to negotiate, the two countries have so far not been able to enter into negotiations as required by international law.

The Government of Turkey therefore invites the Government of Greece to a meeting to be held as soon as possible with the aim of conducting meaningful negotiations for exploring thoroughly and earnestly all possibilities of an agreed equitable settlement taking into account the interests of both countries, as well as for considering joint submission of unresolved but well-defined legal issues, if necessary; to the International Court of Justice.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Greece the assurances of its highest consideration.

Ankara, 18 November 1975.

EMBASSY OF GREECE
ANKARA

4. *Note verbale grecque, 19 décembre 1975*

AMBASSADE DE GRÈCE
F. 6242.44/136/AS 3978

NOTE VERBALE

L'ambassade de Grèce présente ses compliments au ministère des affaires étrangères et, se référant à sa note n° 754.537-SIGM/SIMD/3-284 en date du 18 novembre 1975, a l'honneur de lui faire savoir ce qui suit :

Le différend entre la Grèce et la Turquie concerne la délimitation du plateau continental dans la mer Egée. Il est né de l'absence de délimitation de ce plateau. La note turque du 18 novembre 1975 le reconnaît expressément et le Gouvernement grec est d'accord sur ce point fondamental.

Son objet est donc limité et précis et ne concerne en rien les intérêts vitaux stratégiques ou politiques des deux pays, qui ne sont pas en cause.

Les notes échangées entre les deux gouvernements ont révélé que ceux-ci sont en désaccord sur les principes du droit international applicable à la délimitation du plateau continental et sur la mise en œuvre de ces principes dans le cas concret de la mer Egée. En conséquence, le Gouvernement grec a proposé le 27 janvier 1975 de soumettre le différend à la Cour internationale de Justice et le Gouvernement turc en a accepté le principe.

Cet accord qui a été réaffirmé lors des rencontres de Rome et de Bruxelles constitue en lui-même une admission que les positions des deux gouvernements tant sur les principes du droit international conventionnel et coutumier que sur leur application se sont révélées inconciliables. Aucun fait nouveau n'est intervenu depuis ces rencontres. Au contraire la note turque du 30 septembre 1975 reconnaît qu'un désaccord fondamental subsiste puisqu'elle confirme que, lors de la réunion de Rome, le ministre des affaires étrangères de Turquie a contesté l'existence même de principes établis pour la définition du concept du plateau continental et sa délimitation.

La Grèce remplit pleinement ses obligations internationales en proposant de déférer un différend constaté et irréductible à la Cour internationale de Justice. A cet égard, la référence de la note turque à l'arrêt de la Cour internationale dans l'affaire du *Plateau continental de la mer du Nord* n'est pas pertinente dans le cas présent. En effet, la Cour n'a pas invité les parties à négocier aux fins de déroger aux principes de droit international relatifs à la délimitation du plateau continental.

Toutefois, le Gouvernement hellénique considère, puisqu'une négociation est de toute façon nécessaire pour procéder à la rédaction de l'instrument destiné à saisir la Cour internationale de Justice, qu'il est sous-entendu que, si dans le courant de cette négociation des propositions étaient faites pour éliminer les points de désaccord entre les deux gouvernements relatifs à la

délimitation du plateau continental de la mer Egée, ces propositions feraient l'objet d'un examen approprié.

Si le Gouvernement turc est d'accord sur ce qui précède, le Gouvernement hellénique proposerait qu'une réunion dans ce but soit tenue dans le courant du mois de janvier 1976.

L'ambassade de Grèce profite de la circonstance pour réitérer au ministère des affaires étrangères les assurances de sa très haute considération.

Ankara, le 19 décembre 1975.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
EN VILLE

Annex V

1. Turkish Note Verbale, 15 March 1976

MINISTRY OF FOREIGN AFFAIRS
ANKARA

SIGM/SIMD/3-754.537-49

The Ministry of Foreign Affairs presents its compliments to the Embassy of Greece and, with reference to its Note No. 6242.44/136/AS 3978 of 19 December 1975, has the honour to bring the following to the attention of the Greek Government:

The Turkish views on the negotiations between Turkey and Greece on the Aegean continental shelf areas, which were explicitly stated recently in the Turkish Notes of 30 September and 18 November 1975, and explained in the opening statement made by the head of the Turkish delegation during the Berne meeting, remain the same.

The Government of Turkey would like to point out that the delimitation of the Aegean continental shelf areas directly affects the vital interests of both countries. For this reason the Government of Turkey believes that a mutually acceptable settlement of the delimitation shelf areas in the Aegean sea is important to maintain the delicate balance established by the Lausanne Peace Treaty of 1923.

The Government of Turkey is of the opinion that the Berne meeting provided both sides with the opportunity of stating and clarifying their initial positions. Furthermore, the Turkish Government believes that the future meetings between the representatives of the two countries which will be open to meaningful negotiations, in conformity with the oral assurance given to the Government of Turkey on 19 December 1975 in Ankara as agreed in Berne, will lead to a solution acceptable to both sides.

The Government of Turkey avails itself of this opportunity to renew to the Embassy of Greece the assurances of its highest consideration.

Ankara, 15 March 1976.

2. Note verbale grecque, 22 mai 1976

F. 6243/25/AS 3000

NOTE VERBALE

L'ambassadeur de Grèce présente ses compliments au ministère des affaires étrangères et, en réponse à la note de celui-ci n° SIGM/SIMD/3-754.537-49 en date du 15 mars 1976, a l'honneur de porter à sa connaissance ce qui suit:

A la suite des notes échangées entre les deux gouvernements depuis février 1974 et des rencontres des ministres des affaires étrangères à Rome en mai 1975, des deux premiers ministres à Bruxelles en mai 1975 et de la correspondance qui a suivi ces rencontres, une nouvelle rencontre d'experts a encore eu lieu à Berne du 31 janvier au 2 février 1976. L'objet de cette rencontre était, pour reprendre le libellé des notes, turque en date du 18 novembre 1975 et grecque en date du 19 décembre 1975, le suivant :

«The Government of Turkey therefore invites the Government of Greece to a meeting to be held as soon as possible with the aim of conducting meaningful negotiations for exploring thoroughly and earnestly all possibilities of an agreed equitable settlement taking into account the interests of both countries, as well as for considering joint submission of unresolved but well-defined legal issues, if necessary, to the International Court of Justice»

et

«Toutefois, le Gouvernement hellénique considère, puisqu'une négociation est de toute façon nécessaire pour procéder à la rédaction de l'instrument destiné à saisir la Cour internationale de Justice, qu'il est sous-entendu que, si dans le courant de cette négociation des propositions étaient faites pour éliminer les points de désaccord entre les deux gouvernements relatifs à la délimitation du plateau continental de la mer Egée, ces propositions feraient l'objet d'un examen approprié.»

Ainsi le Gouvernement hellénique, tout en estimant que les négociations antérieures avaient montré l'existence entre les deux Etats d'un désaccord de principe qui, conformément à l'échange de notes entre eux, devait être soumis à la Cour internationale de Justice, a cependant accepté de reprendre les négociations en vue d'éliminer les points de désaccord.

Néanmoins, si ce résultat ne pouvait être atteint, il était stipulé que conformément au libellé de la note turque du 18 novembre 1975 les deux gouvernements soumettraient, d'un commun accord, les questions juridiques non résolues à la Cour internationale de Justice.

Dès la première séance de la réunion de Berne, la délégation grecque a rappelé les points suivants qui sont fondamentaux en droit :

- a) l'unité territoriale et politique entre les parties continentales et insulaires de l'Etat hellénique,
- b) l'existence d'un plateau continental propre aux îles,
- c) l'application de la règle de la ligne médiane au tracé de la ligne de démarcation entre les îles grecques et les territoires turcs.

Or la délégation turque a affirmé que les îles de Limnos, Chios, Samos, Lesbos, Aghios Efstratios, Ikaria et Cos ne pouvaient avoir un plateau continental et ceci soit parce que ces îles constitueraient de simples élévations (protubérances) sur ce que la Turquie considère comme son propre plateau continental, soit parce que dans une époque très lointaine elles auraient appartenu géologiquement au continent asiatique.

La délégation turque a insisté à plusieurs reprises sur l'exigence en droit international de négociations *meaningful* sans pour autant accepter la conséquence de cette obligation, à savoir que les négociations doivent avoir comme base la Convention de Genève de 1958, dans la mesure où elle fait droit entre les deux Etats, ainsi que les autres normes de droit international applicables en la matière. Par contre la délégation hellénique a soutenu que ces nég-

ciations ne pourraient porter que sur le tracé de la ligne médiane qui, dans le cas d'Etats se faisant face, comme la Grèce et la Turquie, constitue la règle à appliquer pour délimiter les parties du plateau continental relevant de chacun d'entre eux. La délégation turque perdait ainsi de vue que le problème à régler est essentiellement juridique.

En présence de cette prise de position, la délégation grecque a invité la délégation turque à constater l'existence d'un désaccord de principe et à faire toute proposition de nature à le réduire ou à l'éliminer. La délégation turque n'a présenté aucune proposition à cet effet.

Les négociations de Berne ont ainsi non seulement confirmé l'existence du différend déjà constaté par les échanges de notes entre les deux Gouvernements et les réunions susmentionnées mais encore firent clairement apparaître que les négociations dans leur ensemble n'avaient pas marqué de progrès.

Tout en partageant l'avis du Gouvernement turc que la délimitation du plateau continental en mer Egée est importante, le Gouvernement hellénique ne croit pas que celle-ci est affectée par les dispositions du Traité de Lausanne ou vice versa.

Le Gouvernement hellénique voudrait répéter que la négociation ne saurait avoir lieu en dérogation des normes du droit international concernant la délimitation du plateau continental et que, partant, la Grèce renonce aux droits qui lui reviennent en vertu de ces normes. Il veut espérer que le nouveau tour de négociations qui a été convenu pour le mois de juin prochain aboutira à un échange de vues plus prometteur; à défaut de quoi il ne resterait plus aux deux gouvernements qu'à procéder à la rédaction du compromis pour saisir la Cour de leur différend, conformément aux engagements pris entre eux.

L'ambassadeur de Grèce saisit cette occasion pour renouveler au ministère des affaires étrangères les assurances de sa très haute considération.

Oslo, le 22 mai 1976.

AU MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DE LA RÉPUBLIQUE DE TURQUIE

Annex VI

STATEMENT OF THE GREEK DELEGATION AT
THE MEETING OF EXPERTS OF THE GOVERNMENTS OF GREECE AND TURKEY
IN BERNE ON 19 AND 20 JUNE 1976

1. At our last meeting Mr. Tzounis said that the object of the meeting was not to discuss joint ventures but to set out the context of the dispute so that we would negotiate a compromis to go to the Court. Common ventures might be a matter for discussion once the boundary question was resolved.

2. Your delegation, Mr. Ambassador, neither agreed nor disagreed that there was a dispute. You put forward certain general ideas, which Mr. Tzounis summarized as follows:

- «a) Selon la thèse turque les îles sont privées de plateau continental. Il y a là un point de désaccord fondamental.
- b) La ligne de délimitation tracée par le côté turc passe à l'ouest des îles grecques et elle est connue par les actes que le Gouvernement turc a déjà publiés dans le journal officiel. Il y a donc un différend juridique sur les principes de la délimitation et sur les lignes de démarcation.»

3. You asked our delegation also to state its case, and I may conveniently summarize the five points which we then made, as follows:

- (1) The rule of international law respecting the delimitation of common continental shelf boundaries in the case of opposite States is the median line rule.
- (2) This rule applies whether the delimitation concerns insular or continental seabeds, provided there is continuous seabed between the opposite States which conforms with the definition of continental shelf.
- (3) Since this rule confers legal rights upon Greece, it follows that Greece is under no obligation to negotiate a settlement which would involve any surrender of these rights.
- (4) In particular, no provision of the United Nations Charter requires negotiation rather than judicial settlement in the case of any right of a Member which is contested by another Member.
- (5) In particular, no special rule of customary international law exists which requires States which lie on opposite sides of a common continental shelf to negotiate a boundary except by reference to the application of the median line rule.

4. The Greek delegation knows of no rule of international law which is applicable to the division of a common continental shelf between opposite States, other than the rule of the median line. Your delegation, Mr. Ambassador, made a contribution on the subject of the geology of the Aegean, from which I concluded that you were seeking to make the point that the ordi-

nary rule does not apply in the Aegean because of a discontinuity in the seabed.

5. I confess not to have understood this argument. If it is to deny that there is a common continental shelf extending between Greece and Turkey the whole way across the Aegean, the argument would, apparently, be the basis for saying that the islands are mere protuberances on the Turkish continental shelf. But, again, this is a point which I failed to understand, because one of the rules in the Continental Shelf Convention is the rule that islands have continental shelves as well as continents. The International Court in the *North Sea* case said that this Article was customary law (p. 37, para. 57).

6. This being so, we return to the point of opposite States. An equidistance line, discounting, of course, special circumstances such as rocks and islets which would have a capricious effect on the boundary, could be traced by any cartographer, automatically so as to give Turkey and the islands a common boundary according to the only rule of international law known to the Greek delegation.

7. You, Mr. Ambassador, said that your delegation wanted time to think about all of this because it appeared to strike you as novel. Subsequently, the Greek Government wrote a Note to your Government in which it said:

«Toutefois, le Gouvernement hellénique considère, puisqu'une négociation est de toute façon nécessaire pour procéder à la rédaction de l'instrument destiné à saisir la Cour internationale de Justice, qu'il est sous-entendu que, si dans le courant de cette négociation des propositions étaient faites pour éliminer les points de désaccord entre les deux gouvernements relatifs à la délimitation du plateau continental de la mer Egée, ces propositions feraient l'objet d'un examen approprié.»

8. Accordingly, Mr. Ambassador, we wait to hear that you have some proposals which the Greek delegation would wish to consider, failing which I take it that we are here to draw up a compromis, and we should like to get on to that. To clarify the matter, since your delegation has had the opportunity to consider the points made by the Greek delegation at the last meeting, there are a number of questions that have been asked, and to which you no doubt are now in a position to give answers:

- (1) Do you agree that this is a situation of opposite States?
- (2) Do you agree that in the case of opposite States the rule is that of the median line?
- (3) Do you agree that islands have continental shelves?
- (4) At the last meeting you quoted Article 33 of the United Nations Charter. Do you agree that this has nothing to do with the negotiation to apply standard rules of international law?
- (5) Do you agree that there is no other text to be cited which could have such an effect?
- (6) In short, does your delegation wish Greece to waive rights vested in her by international law, in order to reach a solution of the dispute?

9. If the answers to these questions, Mr. Ambassador, do not coincide with the doctrine advanced by Greece, it is clear that we have a deadlock. If these answers are not refutations of that doctrine, but sidestep the points made by the Greek delegation, it is equally clear that we have a deadlock.

If we have a deadlock there seems to me to be no alternative than to have the matter resolved judicially.

10. On the other hand, Mr. Ambassador, if, as the Greek Note to your Government put it, you have proposals to make, my understanding is that the Greek delegation will give them proper attention.

Annex VII

*1. Press Release Issued after the Meeting of the National
Security Council of Turkey on 13 July 1976
Which Took Place under the Chairmanship of the President
of the Turkish Republic, Mr. Koruturk*

"...In the course of this meeting consideration has been given to the information provided to the Council concerning researches which would be undertaken by the seismic research vessel *MTA-Sismik I*, in the Turkish territorial sea and in the high seas. It has been decided to recommend to the Government that it should take all appropriate measures so that the scientific researches of the ship would be achieved normally."

2. A Clarification Published by the Newspaper Milliyet on 14 July 1976

"...Official Turkish sources, referring to the expression 'appropriate measures' mentioned in the Press release issued after the meeting of the National Security Council of Turkey on 13 July 1976 concerning the scientific researches of the vessel *Sismik I*, stated that the vessel would not be accompanied by warships, but that nonetheless all necessary measures would be taken so as to detect immediately any attack against the vessel and to respond instantaneously in case of such attack. In order to guarantee that the vessel would be able to carry out its researches normally, its movements would be followed by special devices. It was said that this was the sense of the communiqué of the National Security Council."

Annex VIII

1. Aide-mémoire grec, 24 mars 1976

AMBASSADE DE GRÈCE
À ANKARA

AIDE-MÉMOIRE

L'ambassade de Grèce se réfère à l'interview du ministre de l'énergie, M. S. Kilic, publiée par l'hebdomadaire *Yanki* des 8-14 mars 1976.

Le Gouvernement hellénique a noté que, répondant à des questions sur la prospection d'hydrocarbures en mer, M. le ministre de l'énergie s'est référé à trois reprises à la prospection en mer Egée. Il a dit notamment:

(A) « Nous avons accordé des concessions couvrant des surfaces de deux millions d'hectares en mer. En y ajoutant les concessions précédentes, la surface se monte à six millions d'hectares. Ceci couvre le total de nos revendications sur le plateau continental. Toutes les concessions ont été accordées à la TPAO. »

(B) « Nous avons pris en collaboration avec les ministères des affaires étrangères et de la défense toutes les mesures imaginables. Nous protégeons nos droits en Egée exactement comme nous le faisons pour nos droits à l'intérieur du territoire du pays. »

(C) « Le premier pas est de poser les fondements de droits souverains en Egée de façon incontestable. Les questions d'ordre économique viennent ensuite. »

Le Gouvernement hellénique estime qu'au moment où une procédure se trouve en cours pour régler de manière pacifique le différend entre les deux pays sur la question de la délimitation du plateau continental en mer Egée et dans la mesure où elles toucheraient à ce différend les déclarations précitées prêtent à équivoque. Il veut espérer qu'elles ne présagent pas une action quelconque de la part du Gouvernement turc en mer Egée qui serait de nature à miner les discussions amorcées par les experts des deux pays, selon l'engagement pris par leurs gouvernements, afin de limiter, si possible, les points de désaccord sur la question de la délimitation du plateau continental avant de la soumettre à la Cour internationale de La Haye.

Ankara, le 24 mars 1976.

2. Translation of Statement by the Turkish Foreign Minister, Mr. Caglayangil, to Radio Ankara on 24 July 1976 in Answer to Declarations Made by Mr. Ecevit on 22 July 1976

Mr. Ecevit continues to persist in his tactics of bringing the issues of seismic research which we intend to conduct, and those of the Aegean, into internal politics. Having started by claiming that the mission had been degraded and then by referring to certain technical aspects of the question, he appears to consider that it is to his advantage to air in public the contents of the file on an issue actually under discussion between the two countries.

Making the questions of the research to be conducted by *Sismik I* and the problem of the continental shelf in the Aegean an issue in the polemics between the Government and the Opposition is liable to prejudice supreme State interests. Thus any reference to specific assertions made with regard to the *Hora* should be avoided at all costs.

There are irrefutable answers to all the legal and technical questions which Mr. Ecevit has raised, but there is an appropriate time and place for these answers.

I shall confine myself to refuting only those assertions which cause confusion and which may be considered contrary to our national interests.

According to Mr. Ecevit, the most important thing is to determine the resources of the sea in the areas of the Aegean claimed by Turkey. *Sismik I* will carry out precisely this important mission. It will even be able to carry out its mission not only in the areas of the Aegean where rights are claimed as Mr. Ecevit says, but also in all the areas of the Aegean outside the territorial waters of Greece. Seismic research has no other goal and purpose than to determine resources below the sea. And this is what will be done.

Because there is a continental shelf issue between our neighbour and ourselves, the Greek Press has chosen to characterize this research as a provocation and an act of aggression.

Turkey, as well as Greece, claiming that certain areas below the sea constitute a continental shelf belonging to them, have undertaken certain actions in the course of time. Both sides have claimed rightful ownership of some areas and these areas constitute the question that must be settled.

We have declared to the whole world that the research we intend to conduct is not aimed at violating the rights of others and that, as it was not possible to arrive at a mutual acceptance of the claims of the two countries, the two parties should reserve their views and that the questions of the scientific research to be carried out and the delimitation of the continental shelf should not be confused with each other. There was no reaction to this view of ours.

Our attitude cannot be construed as meaning that we have given up our claims or accepted the claims of Greece. The question is certainly connected with the continental shelf. But the carrying out of seismic and scientific research regarding the continental shelf is not the same as actually initiating exploitation of natural resources; because by conducting scientific research one cannot establish rights in the areas where this research is carried out.

Neither Greece nor third countries which have carried out research in the Aegean have asserted that "I carried out research here and therefore these areas are mine".

Article 52 of the third chapter of the draft agreement of the Conference on the Law of the Sea stipulates that "scientific research activities cannot form a basis for any legal claim regarding the environment of marine resources". That is the view which we support. If *de facto* situations are

created in certain areas of the continental shelf before the issue is settled, there is no need for negotiations between the two countries and any hope of attaining a peaceful solution by peaceful means should be abandoned. We have not chosen that way.

We pursue, in accordance with the programme of our Government, the actions that we have initiated for the peaceful settlement of the question of the continental shelf between Greece and ourselves.

In our opinion, the continental shelf of the Aegean presents particularities because of its physical structure and geographical situation. We shall pursue in the same spirit our efforts to settle this issue to the satisfaction of our views and rights and by striking a balance in our mutual interests.

Greece, however, has completed seismic surveys of certain areas and acquired knowledge of resources below the sea even before this issue emerged. Turkey has also undertaken such research in the past but for various reasons was not able to complete it. Therefore our right to acquire knowledge which Greece has also acquired cannot be disputed.

The research which Greece previously conducted and completed did not prejudice sovereign and other rights of Turkey. It is not possible to accept the Greek contention that research which Turkey will conduct can be considered as a violation of Greece's rights. During a conversation that we had with Mr. Ecevit on the question of defence co-operation between Turkey and the USA the question of the law on authorization was raised and he has now made his own comments regarding that conversation and formulated certain opinions on the matter. According to Mr. Ecevit, the non-issuance of decrees on questions related to the Aegean, by virtue of a law which authorizes the Government to do this, has led to the loss of rights. This view is incorrect. We have applied ourselves to converting the principles, on which our rights in the Aegean are founded, into national legislation and have drafted legislative proposals. We have conferred on this matter with all the experts, including the internationally-known consultants who collaborate with us. We have reached the conclusion that it would be more favourable to national interests not to commit ourselves to any binding regulations on the matter, in view of the fact that the law of the sea is developing, the relevant scientific and legal views have not yet been fully clarified, and in view of the need to have principles for the protection of Turkey's rights on the continental shelf of the Mediterranean, as well as the Aegean and the Black Sea, without creating contradictions.

It must also be stressed that it is not possible for rights to be created in the field of international law by the issuance of national legislation.

Besides, Governments entitled to issue legislative decrees are also competent to issue laws. As it is certain that all political parties, irrespective of the Government in power, will back any law on this matter serving the interest of the country, there can be no talk about a loss. I wish to say the following: not even the minutest part of our rights has been lost. Exceptional diligence is being shown for the protection of our sovereign rights and national interests. In view of this situation, the concern of those who make irresponsible efforts to create the impression that all Turkey's rights in the Aegean are being jeopardized is vain. With the exception of a short-lived Government which the Republican Popular Party formed, Turkey is not a State which has lost its courage or reached the point of being unable to protect its national interests.

3. *Note verbale grecque, 7 août 1976*

AMBASSADE DE GRÈCE
À ANKARA

F. 6242.42/285/AS 2183

L'ambassade de Grèce présente ses compliments au ministère des affaires étrangères et, d'ordre de son Gouvernement, a l'honneur de porter à sa connaissance qu'à 19.45 heures du 6 août 1976 le navire turc *MTA-Sismik I* a été observé dans les eaux internationales mais surjacentes le plateau continental grec. Vers 22.00 heures le Gouvernement hellénique était informé qu'à partir de 20.54 heures il avait été constaté que le navire opérateur turc procédait à une exploration sismique du plateau continental grec sans le consentement du Gouvernement hellénique. Cette exploration continuait au moins jusqu'à 22.40 heures.

A 00.30 heure du 7 août le navire *MTA-Sismik I* quittait les eaux couvrant le plateau continental grec.

La région où furent effectuées les explorations est comprise entre les sept points de coordonnées suivants:

Latitude 39 26,5 Nord		Longitude 25 50,5 Est	
» 39 25	» -	» 25 48	»
» 39 22	» -	» 25 45	»
» 39 23	» -	» 25 44	»
» 39 26	» -	» 25 45	»
» 39 28	» -	» 25 44	»
» 39 30	» -	» 25 43	»

Selon les normes du droit international cette partie du plateau continental de la mer Egée relève de la Grèce.

Le Gouvernement hellénique proteste contre cette violation flagrante de ses droits souverains découlant du droit international et demande au Gouvernement turc de prendre d'urgence toutes mesures utiles afin que cette violation ne se répète pas à l'avenir. Il déclare également réserver tous ses droits sur le plateau continental relevant de la Grèce.

L'ambassade de Grèce saisit cette occasion pour renouveler au ministère des affaires étrangères les assurances de sa très haute considération.

Ankara, le 7 août 1976.

4. *Turkish Reply, 8 August 1976*

REPUBLIC OF TURKEY
MINISTRY OF FOREIGN AFFAIRS
SIGM/SIMD/3-754.526 4432

The Ministry of Foreign Affairs presents its compliments to the Embassy of Greece and with reference to its Note No. 6242.42/285/AS 2183 of 7 August

1976 has the honour, under the instructions of its Government, to communicate the following to the Greek Government:

Since the delimitation of the Aegean continental shelf between Turkey and Greece has not been effected, the recent Greek attempt to qualify certain areas beyond the territorial waters in the Aegean as "the Greek continental shelf" is in contravention with the rules and principles of international law. Consequently, the Greek claim of violation of the Greek sovereign rights is completely unfounded.

The Government of Turkey would also like to draw the attention of the Greek Government to the fact that *MTA-Sismik I* is carrying out its researches outside the territorial waters in the Aegean where the continental shelf is yet to be delimited.

The Government of Turkey, while reserving its position regarding the delimitation of the Aegean continental shelf, would like to reiterate that unilateral declarations or claims of Greece do not constitute a legal basis for establishing sovereign rights on the continental shelf, on which Turkey and Greece have undertaken bilateral negotiations with a view to finding an acceptable solution to both parties.

In view of the foregoing considerations, as it has been orally expressed to the Greek Ambassador, His Excellency Mr. Cosmadopoulos, on 7 August, the Government of Turkey deems the protest of the Greek Government, which is devoid of any basis, totally unacceptable.

The Government of Turkey states that the research activities shall be carried out in accordance with the established programme and urges the Greek Government to refrain from all provocative acts which may hinder the research activities of *MTA-Sismik I* in the Aegean.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Greece the assurances of its highest consideration.

Ankara, 8 August 1976.

5. Note verbale grecque, 9 août 1976

AMBASSADE DE GRÈCE
à ANKARA

F. 6242.42/305/AS 2196

L'ambassade de Grèce présente ses compliments au ministère des affaires étrangères et, d'ordre de son Gouvernement, a l'honneur de porter à sa connaissance ce qui suit:

Le Gouvernement grec avait tout lieu d'espérer que, pendant que les négociations avec le Gouvernement turc au sujet de la délimitation du plateau continental de la mer Egée se poursuivaient, le Gouvernement turc ne prendrait aucune mesure et n'entreprendrait aucune action de nature à faire obstacle au succès de ces négociations.

Or, le 14 mars 1976, le ministre de l'énergie turc, M. Kilic, déclarait publiquement qu'un navire spécialement équipé en vue de l'exploration du plateau continental allait opérer, sur les instructions ou, en tout cas, avec l'autorisation du Gouvernement turc, dans des zones qui, comme le Gouvernement turc ne pouvait l'ignorer, sont considérées par le Gouvernement hellénique comme appartenant au plateau continental grec en vertu des normes du droit international.

Le Gouvernement hellénique n'a pas manqué de faire part de ses inquiétudes à ce sujet au Gouvernement turc par demande d'éclaircissements sur les intentions de ce dernier, présentée oralement par l'ambassadeur de Grèce M. Dimitri Cosmadopoulos à S. E. le ministre des affaires étrangères de Turquie, en date du 17 mars 1976. Cette demande fut suivie d'un memorandum, aux mêmes fins, remis le 24 mars 1976 par l'ambassade de Grèce à Ankara au ministère des affaires étrangères. Ni l'une ni l'autre de ces démarches n'a obtenu de réponse satisfaisante.

Dans ces conditions, et lors de la rencontre d'experts sur le plateau continental qui a eu lieu à Berne les 19 et 20 juin a.c., le négociateur grec a attiré l'attention de la délégation turque en séance plénière et de son chef en conversation privée sur l'importance que la Grèce attachait à ce que chacun des deux Etats s'abstienne de toute mesure ou action susceptible d'aggraver la situation dans la mer Egée ou de préjuger des droits définitifs des parties.

La conduite de recherches sismiques par le navire opérateur turc *MTA-Sismik I*, sans le consentement du Gouvernement hellénique, dans les zones que celui-ci considérait comme appartenant au plateau continental grec a été spécifiquement mentionnée, en conversation privée avec le chef de la délégation turque, comme constituant aux yeux du Gouvernement hellénique une circonstance portant atteinte à ses droits et un élément particulièrement aggravant de la situation en mer Egée.

Plus récemment encore dans deux entretiens avec S. E. le ministre des affaires étrangères de Turquie, en date du 21 et du 23 juillet 1976, l'ambassadeur de Grèce à Ankara a réitéré de la manière la plus explicite les appréhensions que soulevait au sein du Gouvernement hellénique l'atteinte que porterait à ses droits une éventuelle exploration, sans son consentement, du plateau continental relevant de la Grèce. Il a également souligné les conséquences préjudiciables aux relations entre les deux pays et, plus généralement, à la situation en mer Egée qu'une pareille action pourrait entraîner.

A la suite de ces entretiens, le Gouvernement hellénique, soucieux de prévenir ces conséquences indésirables, a examiné certaines assurances verbales données à l'ambassadeur de Grèce par S. E. le ministre des affaires étrangères de Turquie. Il s'agissait de s'assurer que les recherches du navire *MTA-Sismik I* seraient purement scientifiques et que de toute façon elles ne lésaient pas les droits souverains de la Grèce sur son plateau continental. Le Gouvernement grec avait suggéré que l'itinéraire du *MTA-Sismik I* lui fût communiqué à l'avance pour éviter par la suite des malentendus indésirables et que les résultats de ces recherches purement scientifiques fussent publiés. Mais, avant même de prendre connaissance des vues du Gouvernement hellénique, le ministre des affaires étrangères de Turquie, qui n'avait pas trouvé le temps de recevoir auparavant l'ambassadeur de Grèce, faisait une déclaration à la radio-télévision turque qui, de par son contenu, mettait fin à ces délibérations.

Or, de 19.45 heures le 6 août 1976 à 00.30 heure le 7 août 1976, le navire turc *MTA-Sismik I* fut observé effectuant une exploration sismique du plateau

continental relevant de la Grèce et notamment dans la région comprise entre les points déterminés par les coordonnées suivantes:

Latitude 39 26,5 Nord – Longitude 25 50,5 Est

»	39 25	»	–	»	25 48	»
»	39 22	»	–	»	25 45	»
»	39 23	»	–	»	25 44	»
»	39 26	»	–	»	25 45	»
»	39 28	»	–	»	25 44	»
»	39 30	»	–	»	25 43	»

Le 7 août 1976 le Gouvernement hellénique protestait auprès du Gouvernement turc contre cette activité illégale en droit international du navire opérateur turc et demandait que toutes mesures utiles fussent prises afin d'éviter sa répétition à l'avenir.

Par note verbale *sub* n° SIGM/SIMD/3-754.526 4432 en date du 8 août, le Gouvernement turc a rejeté cette protestation avec des arguments que le Gouvernement hellénique ne peut pas accepter. En particulier, l'argument selon lequel le plateau continental n'a pas encore été délimité ne justifie certainement pas des actions qui créent des tensions et rendent plus difficile la solution du différend. D'ailleurs, puisque le Gouvernement turc a choisi de contester la position hellénique, il eût dû, au lieu d'entreprendre une action de fait quelconque, avoir recours à un organe international établi, pour que soit jugé par celui-ci le bien-fondé de ses prétentions.

Car il est fondamental en droit que le contestataire a la charge de la preuve de sa contestation. Tandis que, s'il se livre à des actions de fait, il glisse dans l'arbitraire.

Nonobstant ce qui précède, le navire turc a continué son exploration illégale du plateau continental grec de 11.20 heures du 7 août a.c. à 13.30 heures du 8 août a.c. sans interruption. L'exploration a été reprise à 15.00 heures le 8 août et se poursuivait jusqu'à 18.00 heures. La région explorée est indiquée par les coordonnées suivantes:

Latitude 39 25 Nord – Longitude 25 54 Est

»	39 22,5	»	–	»	25 47,2	»
»	39 20	»	–	»	25 40	»
»	39 20,7	»	–	»	25 37	»
»	39 25,8	»	–	»	25 32,6	»
»	39 34	»	–	»	25 25,2	»
»	39 40	»	–	»	25 23,5	»
»	39 40	»	–	»	25 27,2	»
»	39 30,7	»	–	»	25 33,5	»
»	39 22,2	»	–	»	25 38,7	»
»	39 22,5	»	–	»	25 41,3	»
»	39 34,5	»	–	»	25 36	»
»	39 43,5	»	–	»	25 28,5	»
»	39 42	»	–	»	25 32,2	»
»	39 29,6	»	–	»	25 43,5	»
»	39 24,9	»	–	»	25 48	»
»	39 27,4	»	–	»	25 48,2	»

Par périodes le navire opérateur était escorté par des hélicoptères ou des avions de coopération maritime ou un dragueur de mines des forces armées turques, ce qui rend les circonstances de la violation des droits souverains de la Grèce particulièrement aggravantes.

A la lumière des circonstances précitées le Gouvernement hellénique élève solennellement une protestation énergique contre ces actions entreprises sans son consentement et en violation des règles du droit international et demande au Gouvernement turc de mettre fin à ces activités illégales et de s'abstenir ultérieurement de toute action provocatrice. Il va sans dire que ces activités ne peuvent avoir pour effet de modifier les droits de la Grèce sur le plateau continental de la mer Egée relevant d'elle, que le Gouvernement hellénique déclare réserver intégralement. Il se réserve également de tirer de l'action du Gouvernement turc toutes les conséquences de fait ou de droit qu'il appartiendra.

L'ambassade de Grèce saisit cette occasion pour renouveler au ministère des affaires étrangères les assurances de sa très haute considération.

Ankara, le 9 août 1976.

Annex IX

RÈGLEMENT PACIFIQUE DES DIFFÉRENDS INTERNATIONAUX
ACTE GÉNÉRAL, GENÈVE, LE 26 SEPTEMBRE 1928GRÈCE¹*Adhésion*

A l'ensemble de l'Acte ... le 14 septembre 1931

Sous les réserves suivantes:

Sont exclus des procédures décrites par l'Acte général, sans en excepter celle de conciliation visée à son chapitre I:

- (a) les différends nés de faits antérieurs, soit à l'adhésion de la Grèce, soit à l'adhésion d'une autre Partie avec laquelle la Grèce viendrait à avoir un différend;
- (b) les différends portant sur des questions que le droit international laisse à la compétence exclusive des Etats et, notamment, les différends ayant trait au statut territorial de la Grèce, y compris ceux relatifs à ses droits de souveraineté sur ses ports et ses voies de communication.

¹ Société des Nations, *Recueil des traités*, volume CXI, 1931, page 414.

Annex X**RÈGLEMENT PACIFIQUE DES DIFFÉRENDS INTERNATIONAUX
ACTE GÉNÉRAL, GENÈVE, LE 26 SEPTEMBRE 1928****TURQUIE¹***Adhésion*

A l'ensemble de l'Acte ... le 26 juin 1934

Sous les réserves suivantes:

Seront exclus des procédures décrites dans ledit acte:

- (a) les différends nés au sujet de faits ou de situations antérieurs à la présente adhésion;
- (b) les différends portant sur les questions que le droit international laisse à la compétence exclusive des États;
- (c) les différends touchant aux relations entre la Turquie et une tierce Puissance.

¹ Société des Nations, *Recueil des traités*, volume CLII, 1934, page 297.

**REQUEST FOR THE INDICATION
OF INTERIM MEASURES OF PROTECTION
SUBMITTED BY THE GOVERNMENT
OF GREECE**

**DEMANDE EN INDICATION
DE MESURES CONSERVATOIRES
PRÉSENTÉE PAR LE GOUVERNEMENT
DE LA GRÈCE**

Cases to Which This Request Relates

1. I have the honour to refer to the Application dated today, 10 August 1976, by which Greece has instituted proceedings against Turkey relative to the continental shelf appertaining to certain Greek islands in the Aegean Sea ; and hereby to submit, in conformity with Article 33 of the General Act for the Pacific Settlement of International Disputes, 1928, Article 41 of the Statute of the Court and Article 66 of the Rules of Court, a request for the laying down or indication by the Court of provisional measures of protection for the preservation of the rights of Greece pending the final decision in (or alternatively "outcome of") these proceedings.

Rights to Be Protected

2. The following are the rights which Greece submits are entitled to protection :

- (i) The sovereign rights of Greece for the purpose of researching, exploring and exploiting the continental shelf appertaining to Greece and adjacent to the islands of Samothrace, Limnos, Aghios Eustratios, Lesbos, Chios Psara, Antipsara, Samos, Ikaria and all the islands of the Dodecanese group (Patmos, Leros, Kalimnos, Kos, Astypalaia, Nisiros, Tilos, Simi, Chalki, Rhodes, Karpathos, etc.), hereinafter called the islands, which rights are exclusive in the sense that if Greece does not undertake research on the continental shelf or explore it or exploit its natural resources, no-one may undertake these activities, or make a claim to the said continental shelf, without the express consent of Greece.
- (ii) The right of Greece to the performance by Turkey of its undertakings contained in Article 2, paragraph 4, and Article 33 of the Charter of the United Nations and in Article 33 of the General Act for Pacific Settlement of International Disputes to abstain from all measures likely to react prejudicially upon the execution of any judicial decision given in these proceedings and to abstain from any sort of action whatsoever which may aggravate or extend the present dispute between Greece and Turkey.
- (iii) All rights appertaining to Greece under or in consequence of the final decision of the Court in the present proceedings.

Grounds of the Request

3. The following are amongst the principal considerations that justify the present Request :

- (i) The Greek Application, referred to in paragraph 1 above, discloses :
 - (a) facts relating to the grant by Turkey of exploration licences in respect of the areas of the continental shelf which Greece claims to appertain to Greece ;
 - (b) exploration activity undertaken by Turkey or under licence from Turkey in respect of the said areas, and
 - (c) the fact that the Turkish Government has taken measures of a military character with a view to ensuring the protection of the *Sismik I* while it is operating illegally upon the continental shelf of Greece.

- (ii) Such grants of exploration licences and such exploration activity must tend to anticipate the judgment of the Court ; and, if such judgment were given in favour of Greece, would deprive Greece of the full benefit thereof, inasmuch as licensing and exploration is intended to provide information which properly concerns only the State exercising sovereign rights over the continental shelf in question, in order to enable it to formulate its policy respecting this area and the exercise of such rights, which it alone is entitled to do.

A State's rights to exploration of its continental shelf are exclusive and, if exploration is undertaken by another State, not only is this exclusivity destroyed but the damage caused is irreparable. The loss of exclusive control by the State over the dissemination of information regarding the resources of areas of its continental shelf will cause irremediable harm to its interest in controlling and developing future exploration in the interests of the State.

- (iii) Such licensing and exploration activities, if continued during the course of the proceedings, would aggravate the dispute, prejudice the maintenance of friendly relations between Greece and Turkey, in particular by a further dangerous exacerbation of public feelings and lead to military measures or actions which may endanger international peace and security.

4. (a) On 21 July 1976 and again on 23 July 1976 the Greek Ambassador in Ankara conveyed to the Turkish Foreign Minister, in most explicit terms, the grave concern of the Greek Government over the infringement of the legal rights of Greece by way of an eventual exploration without its consent of the continental shelf in the Aegean Sea appertaining to Greece. He also pointed out the prejudicial effects of such exploratory activity on the relations between the two countries and, more generally, on the situation in the Aegean.

(b) In an effort to prevent these undesirable developments the Greek Government considered certain oral assurances given to the Greek Ambassador in Ankara by the Turkish Foreign Minister, with a view to ensuring that the researches made by the vessel *Sismik I* would be purely scientific, and would in no case encroach upon the sovereign rights of Greece on her continental shelf. However, before being apprized of the final views of the Greek Government, the Turkish Foreign Minister, who had not spared the time to receive the Greek Ambassador previously, made a public statement over the Turkish radio and television system, which by its very nature effectively terminated these deliberations.

(c) On 6 August 1976, as of 19.45 hours, the Turkish research vessel *Mta-Sismik I*, was observed engaging in seismic exploration of an area of the continental shelf of the Aegean appertaining to Greece and comprised within the following co-ordinates :

Latitude	39 26.5	North	-	Longitude	25 50.51	East
"	39 25	"	-	"	25 48	"
"	39 22	"	-	"	25 45	"
"	39 23	"	-	"	25 44	"
"	39 26	"	-	"	25 45	"
"	39 28	"	-	"	25 44	"
"	39 30	"	-	"	25 43	"

Seismic exploration of the Greek continental shelf ceased on 7 August at 00.30 hours.

(d) On 7 August the Greek Government addressed a Note to the Turkish Government in which it protested against the violation of its legal rights, requested that the latter take all necessary measures to ensure that this violation would not recur in the future and reserved all its rights under international law. On 8 August 1976 the Turkish Government rejected the Greek protest which it "deemed devoid of any bases and totally unacceptable". It also stated that the "research activities should be carried out in accordance with the established programme".

(e) On 7 and 8 August 1976 the Turkish research vessel escorted by a Turkish minesweeper and, intermittently, by Turkish aircraft, continued its exploration of the Greek continental shelf in an area comprised within the following co-ordinates :

Latitude		North - Longitude		East
	39 25		25 54	
"	39 22.5	" - "	25 47.2	"
"	39 20	" - "	25 40	"
"	39 20.7	" - "	25 37	"
"	39 25.8	" - "	25 32.6	"
"	39 34	" - "	25 25.2	"
"	39 40	" - "	25 23.5	"
"	39 40	" - "	25 27.2	"
"	39 30.7	" - "	25 33.5	"
"	39 22.2	" - "	25 38.7	"
"	39 22.5	" - "	25 41.3	"
"	39 34.5	" - "	25 36	"
"	39 43.5	" - "	25 28.5	"
"	39 42	" - "	25 32.2	"
"	39 29.6	" - "	25 43.5	"
"	39 24.9	" - "	25 48	"
"	39 27.4	" - "	25 48.2	"

(f) On 9 August the Greek Government sent a Note to the Turkish Government indicating that :

- I. it could not accept the grounds for the rejection of its protest ;
- II. the illegal exploration of the Greek continental shelf continued as set forth above ; and
- III. the military escort provided to the Turkish research vessel rendered the circumstance of the violation of its sovereign rights particularly aggravating.

The Greek Government lodged a solemn and vigorous protest against these actions, requested the Turkish Government to cease these activities and refrain from any ulterior provocative action, and reiterated the reservation of its legal rights on the continental shelf of the Aegean Sea appertaining to Greece. The texts of the Turkish Foreign Minister's public statement mentioned in subparagraph (b) above, of the Greek Government's protest dated 7 August 1976 and of the Turkish Note dated 8 August, mentioned in subparagraph (d) above, of the Greek Note dated 9 August 1976 and the Memorandum therein referred to, and addressed by the Greek Embassy to the Turkish Foreign Ministry on 24 March 1976, mentioned in subparagraph (f) above, appear in Annex VIII, of the Application Instituting Proceedings.

The Extreme Urgency of the Request

5. In addition to the fact that their very purpose constitutes a violation of the sovereign rights of Greece, the exploration activities of Turkey with

respect to the continental shelf of Greece are accompanied by measures of a military character which also *per se* constitute a threat to the peace of the region. For its part, Greece is obliged in response to these measures to place its own forces in a state of readiness and to send naval units to the area of operations of the *Sismik I* to maintain surveillance not only of this ship but also of the Turkish naval and air units which are in contact with the ship for the purpose of protecting it in its illegal activities. In consequence, sizeable armed forces of both countries are facing each other throughout this period of Turkish exploration with all the dangers that such a situation entails. The above-mentioned circumstances impress the present request with special urgency.

Interim Measures Proposed

In the light of the foregoing considerations, Greece submits that this is a proper and necessary case for the Court to exercise its power to lay down or indicate provisional measures of protection in order to preserve the respective rights of the Parties pending the final outcome of the proceedings.

Greece accordingly requests the Court to direct that the Governments of both Greece and Turkey shall :

- (1) unless with the consent of each other and pending the final judgment of the Court in this case, refrain from all exploration activity or any scientific research, with respect to the continental shelf areas within which Turkey has granted such licences or permits or adjacent to the Islands, or otherwise in dispute in the present case ;
- (2) refrain from taking further military measures or actions which may endanger their peaceful relations.

(Signed) Nicolas KARANDREAS.

The Hague, 10 August 1976.
